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For the National Era.

HERMAN;

OR,

YOUNG KNIGHTHOOD.

BY E. FOXTON,
Author of "Prémices."

CHAPTER XVIII—Continued.

As she returned to the charge, Herman made his escape to his own room, and seated himself to report progress in a few cheering affectionate lines to Constance. In five minutes he heard a low, hasty tap at the door; and almost before he had time to say "Come in," in came Rafe, biting his lips, winking, and trying hard, but in vain, to keep his handsome, rosy face from working all over in a sort of convulsion of hope and anxiety. Herman instantly suspected what was coming, and wished himself—in the library; but there was no help for it; and so, as the boy seemed waiting to consider where to have him, he lifted his pen from his paper, and said, good-humoredly, "Well, Rafe, did you wish to speak to me?"

Rafe drew himself up, and bracing himself, as it were, by a strong effort, from head to foot, came out with, "I did, sir. I wanted—I hoped—oh, Dr. Arden, sir, wouldn't you like to buy me?"

"If I could afford it, my boy, I should very much, if you wish it; but"——

"But, indeed, sir, I'd cost you nothing—nothing at all, sir, in the end. I'd be above that. I don't mean to ask alms, it's only a loan. I can write an elegant hand, they say. I can keep accounts. If you wanted a clerk or a secretary"——

"But I could not keep one, if I did, my poor fellow. I must be my own clerk and secretary for many a long day. I left home not a rich man, and when I get back, after buying Miss Aspenwall's people alone, I shall be poor."

"But, then, couldn't you hire me out, sir? And I'd go where you please, and work like a galley slave, and bring you every cent I earned, till I'd paid back my whole ransom, over and over, and only ask for enough of your cast-off clothes to cover me, and bread and water to keep me alive. Or, if you liked, I'd be your body servant, even, till my time was up. I've never blacked a boot yet, nor brushed anybody's hair but my own," he continued, not conceitedly, but with a little irrepressible pride, which sat not altogether ill upon him; "but I'd do those things for you respectfully and faithfully, and not be ashamed to make myself useful in any honest way I could, for my freedom; and when I'd paid you back all your money, interest and compound interest, too, if you thought it right, I'd still hold myself your debtor in gratitude all my life. They don't scarcely consider me a servant here. I only study, and read, and ride, like anybody else, and wait on the Colonel, my benefactor, and queenly little Miss Rose, just as the squires and pages used to in old times; and that's nothing." The boy had evidently picked up some romantic notions from the old novels in the library, and from his white associates some of the Southern *gentlemanly* contempt for labor. It was natural, but, considering his prospects, unlucky.

"You have an easy time of it here, then, have you not?"

"Yes, sir, if ease was all a man wanted in life, I can enjoy that—while they choose to let me."

"Then why do you care so much to be free?" Herman's conscience pricked him as he asked the question; and it seemed to cut the boy to the quick.

"Oh, Dr. Arden! oh, sir, why does anybody? Why do you?"

To be sure! Why does anybody care to be free? I am a fortune-teller, my reader; and to prove to you that I am a true one, I will tell you now something about yourself. Whatsoever you are, or whosoever you are, I know that you like to be, or at least wish in the course of time to be, *something*. No matter what it is. No matter whether, in the opinion of other people, it is worth being or not. I think that to be that *something*, is in your opinion happiness; and if you are not, and think you can never be *it*, you are unhappy; whatsoever it is—a soldier, a statesman, a sea-captain, a famous artist, a successful professional man, a gratified epicure, a rich man, a learned man, a travelled man, or a husband, father, wife, or mother, sure of having no gaps made in the circle round your hearth to fill the coffin, because at any rate, to fill the coffin, more loving faces and beloved forms must be carried off too soon, than you know how to spare. Now, ask yourself what this something is, in your case, and then see how far your attainment or *retainment* of it is likely to be affected by your Freedom or Slavery. Ah, well! it is a little thing, after all, to be cut off from the fulfilment of one's chief wish in life, as all of us know—but those who have tried it—and if the slaves were as saintly as they ought to be, as saintly as we are, they would not mind it at all.

Poor Rafe turned, perhaps as much to hide his altered face as to leave the room, and, with his whole form drooping, laid his hand on the handle of the door-latch. Glancing back irresolutely at Herman, before he turned it, he saw something in his looks which told him that it could have been no want of compassion which prompted his inquiry, and, encouraged, he presently set himself to work to answer it as well as he could. Some of the simplest questions in the world are not among the easiest to answer. Who can tell an inquisitive five-year-old, why twice two makes four?

"Well, I didn't know, sir. I'm afraid I'd take up more of your time than I've any right to, before I could begin to tell you all the reasons, or half. I expect it's partly the feeling that makes a cat waul, or a child scream, if it gets shut in a pantry, or the birds flap themselves to death, if you put 'em in a cage, or that made the Norsemen sail round the world—a sort of a pent-up, stifled, unnatural, raging kind of a feeling. Then, I hope I an't conceited, and I don't pretend I'm one of those you'd call geniuses, that can do everything they please, first thing, right off-hand, without trying; but there isn't hardly anything that's come in my way to do, but I've always found that by trying, and trying, and trying again, if necessary, I can do it, just like any other man; and I'd like to *be* a man, and my own man, and go off, and see if I couldn't make my own way up in the world, and be a great man, even, perhaps, if I could," he added, timidly, with another glance at Herman, as if to see how far he might venture, "like Benjamin Franklin, or Daniel Webster, or any of the poor boys that made great men by trying hard, and doing their best. They didn't, half of 'em, I reckon, have as good an education to start with, as the Colonel's given me, God bless him! When he's out, I just slip into the library, and put back the book I've had, and take another. He don't say anything about it, because my hands are as clean as his, and he knows it. Then I sit up in a big pine in the wood, and read about 'em all, and Howard in the prisons, too, and Washington, and Captain Cook, and feel as if I had all sorts of lives to choose between, and all sorts of countries; and then, when it gets dark, and I have to shut up the book and come down, there's nothing round but the old plantation, year in and year out; and Master Temple will go to College, and Miss Rose to school at the North, and then to see foreign parts; and here shall I be till I'm dead—nothing but a slave, tied to one place, like a poor stupid watch-dog to a kennel."

Of course, this was not hard at all; for Rafe did not pretend to deny that he—like any dog who happened for the time to have a kind master—had plenty to eat, and was not whipped. But Herman was very bigoted and fanatical, as we have seen all along; and so he thought that it was.

"You must not imagine for an instant," said he, "that I do not feel for you. I see how hard it must be."

The boy clapped his hands together, exclaiming, "Oh, Dr. Arden, if you do, then I know you can't help taking me along with you. Won't you, sir?"

Pretty lady, now, as a fortune-teller, I will tell you something more. Do you happen to remember how the young lover, who has been your husband for more happy years than one would readily believe, seeing your gentle beauty still so fair and fresh, looked, when he asked you for your hand? Or do you recollect how your son, the eminent lawyer, who is carrying all before him now, in court and Congress, looked fewer years ago, when he was coaxing you to coax his father to let him go to college, instead of sending him into a counting room? I have never looked upon the face of either, but yet I know—and I defy you to gainsay me—that in your eyes at that time it was a very handsome, or at least very interesting and expressive face; and yet I know this also, that it was not much handsomer, nor at all more expressive, than the face of poor Rafe, when he thought he saw a dawning of hope for him.

"I wish, with all my heart," said Herman, "that I could do it; but see how the case stands. There are many thousands of our fellow countrymen in the same situation as yourself in some respects, and in all other respects in a much worse situation. I wish, with all my heart, that I could free them all; but I have only a few thousands of dollars."

"The niggers! Oh, but sir, how different that is! It's a shame to treat them ill, I know; but what are they good for but slaves? What could they do with liberty, if they had it?"

"What they pleased," was the answer which rose to Herman's lips; "pursue their own objects in their own way, which is all that I or you could do with it, how different soever our objects may be."

He had no chance to say it, however, for the poor boy hurried on, flushed with a degree of mortification and distress, which it was painful to witness. "Surely, sir! oh, I hope, Dr. Arden, you wouldn't call me a nigger! Why, I an't colored hardly at all; and mammy says, when I was a baby, I was lighter than Master Harry." He held up one of his clear smooth hands, and stroked the blood down out of it. "See, sir, it's a little tanned, may be; but you wouldn't know there was a single drop of black blood there, hardly; would you, sir? And here, if you'd please to excuse me." He turned up his coat-sleeve, and showed an arm, of whose whiteness a girl might well have been proud. Poor, poor fellow! with all the prejudices of a slaveholder, and the situation of a slave! "And then, sir, I hoped I could convince you—but all the while, perhaps, I've only been showing you how vain and foolish I was, that I wa'n't as stupid as those field-niggers are, such as you've been buying. Oh, Dr. Arden! surely, sir, you see there's *some* difference between them and me?"

"Indeed I do, Rafe! There is the greatest difference. You are not stupid. You are not ignorant. Unless your face and manners bely you very much, you are not vicious. You can forget the great hardship of your lot for a time, at least, in reading, and studying, and preparing yourself for better days. Tell me, now, frankly, would you, for the sake of being freed like them, change places in other respects with one of those degraded creatures?"

"Well—why—well, no, sir; I don't know as I would do that."

"Nor would I, in your place; because the better part of freedom is yours already. Hold fast by that, and the rest will come by and by, I hope, if you are true to yourself."

Rafe looked up, wistful and puzzled. "I wouldn't like to run away, if I had ever so good a chance; because I'm trusted, and everybody's good to me, that's worth minding, except sometimes the Mistress and Master Harry, when I come in their way, and they daren't meddle with me when the Colonel's by. I wouldn't do anything shabby."

"But couldn't you work and save here, and buy yourself?"

"No, I couldn't, master, any way I see. The Colonel's very generous to me; he lets me have all the clothes the young masters have done with, and sometimes, at Christmas, he'll even let the tailor send me down a new suit with theirs; but he hardly ever gives me a cent in money, and I couldn't ask him for't. He'd think I was ungrateful. He isn't a man to take liberties with, and hasn't ever said a sharp word to me yet, and I don't mean ever to give him cause. He chooses to have me about here always, when he's at home, at his beck and call, and tells the tutor other times to see I mind my books; and, year after next, he means to make me his steward and engineer here, I believe. I don't see my way clear ever to get any wages."

"Then, Rafe, I must try to do something for you, I see, though I can't—believe me, I wish I could—do it at once. First of all, I must carry though the business I have in hand, and take care of some poor men and women, who are not, I fear, half so well treated or so able to help themselves as you are; but afterwards I will see what can be done, among benevolent persons at the North, about advancing the money for you, and write to Colonel Rochemaurice about it. [Herman did so as soon as he could, but was not surprised to receive an answer, in a sort of kicking and butting hand, signed by Henry J. Rochemaurice, (Harry,) to the effect that "Colonel Rochemaurice was not much in the habit of selling his servants, but that when he had any more to dispose of, he would inform the Anti-Slavery Society;" and what became of poor Rafe, Herman never heard.] In the mean time, my dear boy, be true to yourself, your neighbor, and your God, as best you may; pray, toil, and trust; and here is a little keepsake to remind you of my advice and me." He took from his trunk a spare copy of the New Testament, an incendiary document, which, as we have seen, he was somewhat addicted to circulating, adding, "Rafe, do you remember Essex and Queen Elizabeth's ring?"

"Yes, sir."

"Very well. Let this be a token somewhat like that between us, if you will." He wrote his address on the fly-leaf. "Now, if you get into any bad trouble hereafter, that you cannot get yourself out of, send this back to me, with a letter between the leaves, telling me where you are, and what the matter is; and, if I am above-ground, and can help you, I mean to try to do it." With less hope than that, it would have been hard to leave the poor boy; and Herman hoped that, to a person of Rafe's evidently romantic turn of mind, the association of ideas would give the volume an extrinsic importance and interest, which might lead him to discover its intrinsic value. Rafe took it, and thanked him civilly, and, seeing that no room was left for further solicitation, slowly and sadly quitted the chamber.

Most of the Rochemaurices seemed sorry to have Herman leave them; and Herman would have been sorry to leave most of the Rochemaurices, but, there must always be a *but*, for one thing. The grounds were a paradise, the stable well stocked, the house well enough without, and very tasteful within; the host and hostess hospitable; Mr. Harry usually invisible; Temple clever, genial, and merry; little Rose picturesque and diverting; and even poor pale Alice a curious and interesting enigma and study in human nature. Truly there might have been many places less pleasant to waste one's time in than Rochemaurice, *but*, that one felt there continually a little like a receiver of other people's goods—we do not say stolen—but taken and not paid for. Herman could not tell, for the life of him, to whom he chiefly owed his good cheer and entertainment—to Colonel Rochemaurice at the foot of the festive dinner-table, or Mrs. Rochemaurice at the head, or Bill behind his chair, or Phyll over the kitchen fire, or Sambo, Sue, Dick, and Company, down in the cotton-fields. It was "all a muddle," which he cleared for himself as best he might, by paying fees quite as large as his fast-dwindling purse could well spare, to the chambermaid, and footman, and groom, and every servant who did anything for him; and he felt as if a burden was taken from his mind, as well as from his lady-love's, when the last of his new purchases leapt from the shore on board the boat, and he sat with only freemen about him, enjoying the summer twilight as well as the mosquitoes would let him, and listening to so much as he could understand of the gibberish of his charges, as they chattered together, like so many monkeys, in the joy of their hearts, but with their guttural tones lowered, out of respect.

"Ky! dar de engine!" cried Lyd, catching hold of Sally, with a giggle, half of satisfaction and half of fright, as the boat began to move; "What make it keep such whoof—whoof—whoofin?"

"Laws, chile! dat ar's its breff. Don't 'ou breave hard when 'ou runs? All critturs does."

"Mam," said a bright-eyed urchin of five or six, "Is 'ou free lady, now, like mistis?"

"Yes, chile."

"Why aint 'ou face white, den?"

"Bress de chile, dunno! Spec it's 'cause de color won't come out. Wish 'twas like mistis' mournin muslin dat washed out. Wash it every day, den; would so! Yah, yah!"

"I know how de color got on," said the wag; "I h'arn de parson tell."

"How dat, den, anyhow?"

"When Adam fall, he upsot de blackin' bottle. Little Cain, a rollin on de floor, splash him all over. He so mad, he jump right up an' kill Abel. Den he sold, an sent right off to de nigger country. All de niggers Cain's chilen, an so dey has to mind (de sugar) cane."

"You shut up, Scip! Dat ar ain't pious."

"No," thought Herman, "it certainly is not; but is it any more impious, or even absurd, than some of the other so-called Biblical arguments by which more learned men than Scip undertake to defend Negro Slavery? How can they imagine that a negro, who has any mother wit at all, will not see through such stuff, and turn it into a jest, or worse? How is it possible to preach lies in the name of religion, without making skeptics and scoffers?"

"Ise bound to get religion now, anyhow," continued the last speaker; "'cause now I dun foun out dar's a God A'mighty."

"Lawsy land, Tilly! how stupid 'ou is! Didn' 'ou allers know as much as dat ar?"

"No, I didn'. 'Pears like I couldn' b'lieve a word on it. But ebery day an' night eber since I come to Rochemaurice, I'se kep' a sayin', 'God A'mighty, if dar is a God A'mighty, do, do somethin noder for my chilens.' I gib Him His choice. I says: 'Le' me take car on 'em mesef, as I used to mos times at de ole place, or find 'em good mistises as 'll l'arn 'em, as my ole mistis Aspen'all done l'arned me, or if 'ou'd liever put 'em right to sleep once for all under ground, whar dey won't neber cry no more arter dere mammy, nor neber hab no sich hard times like she done had, 'pears like I'd mos as lievs;' an at last it done git to a sort ob a tune in my head, an I'd chop to it all days long wid my hoe, 'If dar—is a—God A'—mighty—do, do—somethin—for my—chilens!' T'ought He didn' h'ar den, but specs now he did, anyhow."

So there they sat and talked together, after their uncouth fashion, while the boat ran down the stream.

The boat stopped to take in wood at the next landing, giving Herman time to run up towards the house of Mr. Clement, Colonel Rochemaurice's next neighbor. As he approached, he heard music and merry voices, and saw lanterns, rendered almost superfluous by the light of the broad moon, gleaming among the pines. A black lady and gentleman, dressed in the height of the (negro) *ton*, encountered him in a sentimental *promenade;* and from them he he heard that Mr. Clement was not within doors, but on a wide lawn, to which they led the way.

This was, for the time being, a ball room. It was encircled by the illuminated pine trees, which he had before noticed. On one side was a table, decked with flowers, and apparently well furnished with refreshments; on the other, a band of fiddlers and banjo-players. The company were, at the moment, executing a reel with much spirit. They were all black, or yellow, bedecked, not to say bedizened, in a high degree.

A little aloof from them, at the end which answered to the head of the dancing hall, under a cluster of lanterns tied together to represent a chandelier, and held out on high over them by the projecting arm of a grand tree behind them, stood a well-bred-looking group, consisting of the proprietor of the place and people, with a few friends, and his wife and daughters in their pretty simple muslin dresses, standing around him, looking on, and laughing as gaily and good-humoredly, if not as loudly, as any of the chief performers. It was altogether a pretty and picturesque scene; one of those which would, if anything could, give a grace to the institution of Slavery; one of those spectacles of benevolence, gratitude, and mutual good will, between owner and chattel, which, if exceptions could prove a rule, might prove that the institution of Slavery was no evil.

Herman was most courteously and cordially welcomed, upon the strength of Colonel Rochemaurice's rather guarded and diplomatic letter of introduction, pressed to stay and see the frolic through, and very sorry that he could not; but his host, on finding that his business was urgent, promised to show his hospitality in speeding the parting, rather than in welcoming the coming guest; though he told Herman, laughingly, that he had come at the wrong time, and that he did not believe it would be in the power of Wilberforce and Clarkson themselves, with a select *posse* of Wendell Phillips, Garrison, & Company, to get the "boys and girls away from their persecutors, while there was still any cake on hand, or capering on foot." Stepping forward, he made a sign to the musicians. The music stopped, and so did the dancers, with very long faces. Mr. Clement, in a loud voice, called out the names of those of them whom Herman wished to see. They came up timidly, and, as it seemed, unwillingly. The Clements and their party delicately withdrew to a little distance. The music struck up again, the dance recommenced, and all went on as before.

It proved as Mr. Clement had said. Herman's offer was heard by the negroes civilly, but coolly; his statement, that they might accept it or not, as they liked, only, with relief and gratitude. They knew nothing about the North, except some dismal stories that they had heard about the cold and the Abolitionists. They were happy. They were gay. They were feasted and amused. They "lubbed marss an mistis." Clement Grange seemed an Elysium to them, especially after the deserted home of the Aspenwalls. The present was too pleasant for these grown-up children to forsake. What did they care about the future? Herman thought it his duty to set it before them, and represented to them, gently, that though their present master was evidently very kind to them, he might at any time die, and they fall into hands very different from his; but they "reckoned he lib—he not ole—he helfy enough, is so." And slipped away again to their partners, one after another, as fast as they could get a chance, all but Nance's sweetheart; and even he cast more than one longing, lingering look behind, as he manfully turned his back upon the whirling couples, and used his handkerchief a good deal as he bade his masters and mistresses good-bye.

[TO BE CONTINUED.]

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For the National Era.

JASPER: A ROMANCE.

BY EDWARD SPENCER.

XII.

How Jasper Washed the Gold.

[CHAPTER TWELFTH CONTINUED.]

"Never did I experience such a sinking of the heart, nor ever felt myself so ready to give way to despair. There seemed no chance, no prospect, no hope of being saved. Before I could think, almost, a deathly sickness came over me, and I fainted. How long the swoon lasted I cannot say, except that when I revived and looked around me, it was night, and the stars were shining brightly, while the moon's yellow orb was just rising above the dimmed horizon. Rising painfully and with difficulty to my feet, I found that the wound was very stiff and sore, but the hemorrhage had evidently ceased, as the blood had got dry upon my shirt. But this was a very small consolation. What to do? I knew not. I was, in fact, entirely bewildered, half crazed. The wound had given me a terrible fever, and I was parched with a raging thirst, that caused more acute agony than even that which I had experienced in my memorable open-boat voyage. Then, it was simply a long-continued want of water, but now, it was the fierce intensity of positive thirst, that was as unreasoning as it was urgent. I was frantic, mad, delirious, with the increasing fever. Water, water, water, was my only thought, my only cry. I did not think of the stream which was hurling itself down the mountain side, scarcely a mile off. I was too crazy to reflect. There, above me, were the glaciers, the ice-fields, where I could roll myself on the cooling, soothing mass, crunch the delicious snow into my mouth by handfuls, and put the scorching wound under its gentle anæsthetic influence. Off I hurried at once, leaving the path, and climbing directly up the mountain, with all the speed I could. What followed I only remember as one remembers a dream, out of whose confused mazes he is suddenly awakened. I have an indistinct recollection of how I plunged on, leaping from rock to rock, regardless of every obstacle, in mad fury, my brain feeling as if it were of molten lead, and my veins throbbing as if every pulse were an individual heart in desperatest palpitation; of how I fell, and yet would rise and go on, pulling myself upward over the rough surface by my torn and bleeding hands; of flinging away recklessly everything that encumbered me—coat, blanket, rifle, revolvers; thinking only of the snow, the white glittering snow, the cool refreshing snow, the snow above there, that was to save me, or that I was to die upon; of thinking in my mad mood what a fine death that would be, upon the white bosom of the eternal glacier, the wild winds chanting my requiem, the snows my grand immaculate winding-sheet, and I embalmed for ever, more perfectly than all the skill and costly spices of the Egyptians could accomplish for the kings in Karnac. I have a vague, dim remembrance of how at last I reached the glacier's edge, and flung myself upon it, as the returning prodigal flings himself upon his mother's bosom; (ah, will I ever go back thus!) of lapping the snow, and rolling in it, as one would in a luxurious bath, after a day of toil in summer; of being benumbed, and feeling a strange dull dread shivering in my bones; of rising, and trying to walk away, having still consciousness enough to know that it would be death to stay there; of my feet slipping on the smooth inclined surface; of something, as it were yielding, and giving way beneath me; and then succeeds a vaguest sense of falling, or being lifted, I knew not which, far, far through the cutting air, with a roaring, rushing sound in my ears; falling down, down, down, for centuries, while all was dark and drear around me——then a crash, a brief, sharp pressing of my life out, as if a mountain had fallen upon me, and after that a long, long blank.

"Out of this unconsciousness I was roused by a rough shake, that sent a sharp aching through all my sore bones. It was daylight, and I found myself in a place that was entirely strange and novel to my eyes. It was a little valley, apparently, very green and quiet; above me rose the mountain-side almost perpendicularly, with the white glaciers near the top; I lay upon a soft turf, green, and besprinkled everywhere with a little blue flower; and the gurgle of a brook, near by, came soothingly to my ears. As I laid, I could see the whole of the lovely little valley, scarce half a mile wide, and not more than five miles in length; shut in by the mountains on every side, and, far above, the calm blue sky, over which sailed fast one little fleecy cloud, as I had seen the white-winged albatross soar over at the Cape. I remember that vision of a valley with infinite distinctness, and recall how pleasantly I reflected on its beauty, thinking to myself that Prince Rasselas had grown up to manhood and melancholy in just such a lovely land-locked place, from which I wondered how it was possible for him to long to escape. The trees grouped themselves as if they had wished to tickle some artist's fine fancy; the green meads sloped away from the brook with a gentle roll and rise; a few cattle and goats were quietly browsing here and there, and I thought I could detect, through the trees at the farther end of the valley, the blue smoke that gave token of man's propinquity. I closed my eyes again, pondering upon what a pleasant dream it was, and how I would like to live in such a dream, with Ruth for my dream-wife, and dream-children of mine to tumble sportingly over the soft grass, and make themselves wreaths of these sweet blue flowers, when I heard a step by my side, and, looking up, saw John, the Indian whose life I had saved from the impetuous clutches of Judge Lynch. He held a gourd of water to my lips, of which I drank heartily, and then looked at him. He smiled, and laid his hand on his breast, as if to express his joy at seeing me alive.

"'Me t'ink you dead as devil, fall so high,' said he, pointing up to the mountain side.

"I looked up with a shudder towards the white glacier that seemed so far away. 'Did I fall from there?'

"'Yes, and no bones breaked. 'Cause good to poor Injun, Great Spirit good to you, same way.'

"Here was a rational assigning of cause and effect, that might well make the skeptical near-sightedness of our civilized philosophy pause and reflect. But I was too weak and bewildered to revolve metaphysic and doctrine then.

"'What place is this, John?'

"'Bad Injun home. Real devil, them. Mus' go 'way now. He try kill you—oders come too, so—kill one, two, you, me.'

"'Ah, the Indian that shot me lives there, does he?' said I, nodding towards the distant smoke.

"'Squaw live dere. Him nowhere live, now. He shoot you. John shoot him. So. He no kill, 'cause Great Spirit blind him, much. John see *very* straight.'

"As he said this, he took a fresh scalp from his belt, and dangled it before my eyes. The blood was scarcely dry upon it.

"'Oh, John,' said I, turning away from the sickening sight, 'that was very wrong;' and I trembled, as I thought that here was another life that had been forced to succumb before the dark destiny that seemed to render my continued existence imperative.

"'No. You good to John. John see him shoot. What for him shoot you? So John kill he, and take he scalp. Then, come save you, all de same as ever. If not kill he, not save you, nohow. Come. Mus' go. Plenty Injun here, very bad. Not like John. Tink white man devil. Kill him sartain, when ketch him here. Come. John take you safe.'

"He motioned me to rise, at the same time offering me his rifle by way of support. I managed to get on my feet, but the pain was so great that I fainted. I recovered almost immediately, however, but was too feeble, stiff, and crippled, to be able to walk. I told John this, and advised him to leave me, and save himself, if there was any danger. He laughed.

"'Spose I tell *you* dat, when de rope round my neck, *you* run away, den? I reckon you stay more'n ever, den. So, I stay more'n ever, now.'

"He then told me that he would carry me out of the valley by a way known only to himself and the two families that dwelt there, at the same time picking me up bodily and bearing me towards the source of the brook. I noticed that, soon after leaving the spring, the stream branched, one of its arms coursing along through the valley, and the other seemingly going back to the base of the cliff from which it originally flowed. The intense pain that every motion caused me distracted my attention a great deal from what I saw; but John put me down again when we got to the spring, and glanced around, apparently to see if we were observed. Just as he was about to take me up again, I saw some shining specks in the sand over which the stream flowed, and punched at them with his rifle. As I had imagined, they were gold, and in large quantities too; for the rifle barrel removed some of the black sand, and showed me a plain stripe of the beautiful metal, like a piece of tape, running through the rock that formed the bed of the stream. I wanted to get at it immediately; but it was impossible for me to stoop, so stiff and sore was I, and John absolutely refused to touch it, saying with expressive pantomime, that nobody dared to take that gold, as it was the property of the evil spirits, and was guarded by a legion of devils. He was entirely impregnable to persuasion, and, despite my entreaties, picked me up, and bore me on towards the place where the right-hand branch of the stream disappeared into the cliff.

"As we approached this, I was struck with wonder at the prodigious wealth displayed everywhere around me. The base of the rock was streaked throughout with veins of gold, and the black sand fairly sparkled with 'dust.' Within the scope of my eye there was enough to make the fortunes of a thousand men; and yet this, which I had come so far and risked so much to win, was beyond my power of grasping. The stream descended into a sort of cavern, perhaps ten feet square, inclining downwards at an angle of nearly thirty degrees, and walled on both sides, as far as I could see, with the same rich gold-bearing quartz. Into this cavern John descended, with me on his shoulders, carefully and noiselessly stepping from one slippery ledge to another, until we were completely in the dark. We had gone down into the cavern, with the stream, as near as I could judge, about an hundred yards, when John suddenly stopped, seemed to listen for a moment, and then, making a quick but noiseless step to one side, clapped his hand over my mouth, and forced me to lie down with him in the stream, which was here about knee-deep, and very rapid. I was much alarmed, thinking he wished to drown me, and was preparing to resist, as much as I could, in my helpless condition, when I heard a noise in advance, the sound of voices. I paused, and listened, breathless, hearing the harsh guttural of Indians, talking in low tones, but tones that were reverberated from the hollow sides of the cavern, till they sounded fearfully distinct. I found also that they were approaching. Slowly they came nearer, while John held me tighter, almost convulsively. I heard the slipping of their feet over the oozy rocks, the echo of their tread on the flat ledges, and their muttered 'ughs!' as they stumbled in their course. Never have I suffered such terrible suspense as I then experienced. At last they were right upon us; I could hear their heavy breathing, as if they carried something weighty, and could almost feel the brush of their clothes against me, as I counted them going slowly by, in single file, six Indians, one after another. I cannot describe my sensations then. A loud breath from us, a slip by one of them, and all was over with us. At last they were all by, and I could hear the retreating sound of their footsteps up the cavern's steep ascent. The sense of being once more in comparative safety, the chill of the water, the damp and darkness of the cavern, and the pain of my wound, together, overcame me, and I fainted again.

"When I came to myself, I was lying in the sunshine, on a broad rock, and above me stretched the bleak rocky hill which I had madly traversed the night before, with the glaciers beyond; while by my side was a well-trodden path, and at my feet a stream bubbled up, like a large spring, from beneath the rock I lay on. I was wet to the skin, and so was Indian John, who was bending over me, chafing my temples, and examining my bruises and wounds.

"'How did I get here, John?' I asked.

"He pointed to the spring at my feet.

"'Is that where the river has its source?'

"'Yes; and you come out dere, and me too, like muskrat out he hole. Dat's de way Injuns hides heselves.'

"I was too weak and confused to wonder much, or, indeed, to think at all; and, besides, John was exceedingly anxious to get away from a locality so evidently dangerous; as he said:

"'You all right now. Go home me. Squaw gib someting. You be well next day. Go white man's. Come wid me.'

"So saying, he took me again upon his back, and trotted on for a mile or two, until he got into the pines again, when he turned into a secure thicket, and sat me down on a fallen tree, saying he was very tired, a fact of which his face was sufficient proof. He told me, while we rested here, that he had seen me going towards the mountains, and had followed me, fearing that I would be lost; that he had seen my mule stolen, and had stolen it back for me; that he had seen an Indian follow me, and had put off attacking him, in order to find out whether he had companions near; that, after killing and scalping my assailant, he had tracked me by my blood, and my torn clothes, and the things thrown away in my hurried flight towards the glacier; had looked down, and beheld me lying in the valley below; had gone down and round by the cavern, in order to ascertain if I was killed, and to bury me; and had found that the way in which I had fallen, rolling down, and stopped here and there by trees &c., had saved me from much injury. Then, having rested, he proceeded to dress my wound, and put cataplasms of chewed balsamic leaves upon my many bruises. This done, he rose briskly, and proposed we should seek his home.

"Partly limping, and partly supported by John, I made my way, after a weary tramp, to his cabin. It was a rude den among the rocks, scarcely containing aught save a little maize, a quantity of smoked and fresh meat, and a few warlike implements, but never was man more kindly entreated than I was by John and his wrinkled, blear-eyed squaw. They nursed me some days, before I was able to get about. During this time, I made many inquiries as to the mysterious valley and its auriferous wealth, but learned little that tended to satisfy my curiosity. John told me that the Indians of the valley were the last of a great tribe, formerly inhabiting the cañons and the whole placer country, and that they entertained an inveterate hatred to the whites, because (if I understood him rightly) they had been treated with horrible cruelty by the Spaniards and the Jesuits of the California missions, having refused to give up their old superstitions, and adopt the new faith, as most of the other tribes had been persuaded or forced to do. It is my opinion that they constitute a branch of the great Navajo family, who once ruled from the head waters of the Colorado, west to the coast mountains, and south to Chihuahua. They had long inhabited this valley, he said, and had committed many outrages upon the whites. Many Indians of other tribes were well acquainted with the means of access to their fastnesses, but, being allowed to use them as places of refuge in case of pursuit by white men, always kept the secret. Several Americans had penetrated into their region by the lower route, but I was the only one who had ever escaped alive.

"This was the sum of what I could learn. Whether he knew more, and did not wish to tell, I am unable to say. The gold was a matter respecting which he would not converse, further than that it was the property of devils. He said enough, however, to make me sure that the Indians do not dig it, being prevented by some superstitious belief or other.

"As soon as I was well enough, John put me on my mule, and, taking hold of the bridle, led me, by a much shorter path than that which I had followed, to the diggings and to my friends. Thus returned the adventurer, who had gone forth like a Jason seeking the golden fleece; or a Viking, starting out in search of the mythic Asgard, where Odin slumbers, and the horse Sleepnir chafes impatiently in his marble stalls; or a Knight of the 'round table' of the '*bon roy Arthus,*' caparisoned for the determined quest of miraculous 'San Greal;' or foolish old Ponce da Leon, putting himself *en route for* Floridian fountains of eternal youth. 'Oh, what a falling off was here, my countrymen,' &c. So, so, so. It is not pleasant to think about.

"Well! here I am, friends all around me, and devoted servitors, and I still a do-nothing. So far as I am concerned, the Golden Mountains are eternally vanished, and, though I still dream of the happy valley, with its inexhaustible wealth and its lovely landscape, that haunts me like an Idyl of Arcady, full of all pleasures and all delights, I shall not try to go back thither, for with the lovely vision are blended horrible recollections of the curst mountain-side, and its ghastly bleached skeleton of one probably as venturesome as I; of that terrible midnight madness and delirium, when I tore my insane course towards the glaciers, my lips now babbling idiotic words, now opening for the utterance of impious oath, reckless revelry, and obscene jest; of the dread chill glacier, which I had embraced as if it had possessed the suggestive warmth, the dainty, soft, inspiriting charm of a Cleopatra's dusk breast; of that Niagara-like down-plunge, when the stunned consciousness of millions of mortals dumbly strove for eternal æons in my brain; of the moment's fearful agony in that dark, damp, dreary cavern's vault. No. I shall not try to go back. Several, to whom I have related the adventure, have gone out in the hope of penetrating to the valley, and reaping its rewards; but, for myself, the make-haste fever is completely scared off, and I shall remain where I am, content, in a week or two, when these stiff and bruised limbs shall have a little recovered, to go to work again, with pick, spade, and 'cradle,' as better men than I am have done and are doing around me. There is a pretty good store of gold here already in our tent, and B. B. tells me, that the deeper they dig, the greater becomes the yield. It is already a thousand dollars per week, over and above expenses; and when I join them, B. B. says, and do the thinking for them, he expects to double that amount easily. Well, this is promising, and decidedly better than being shot in the shoulder, and rolling down the sides of precipices, though happy and auriferous valleys do lie beneath to break the fall. I will not leave here, I, until I have made my share of the proceeds amount to $20,000. Then, indeed, away, and to work, to work, to work!

"Abdullah is very jealous of John, saying that nobody had any business to save my life excepting himself, and he drew his knife on the Indian yesterday, when the latter came in with a fine buck, shot with the rifle I gave him. I expect I shall have to get myself into some other peril, just to give the Malay a chance to help me out. Still, it is most pleasant to have the faithful attendance of people who are bound to you by the sacred ties of gratitude, who serve you with intelligence, quickened by love, with pleasure inspired by willingness, and with faith born of their confidence in your abilities and power!"

Later, we find the following entry in Jasper's journal:

"Most of those who went in search of my valley have returned, unsuccessful. Some upbraid me, some laugh at me, and all unite in considering the whole matter either a dream, or a fiction of my fancy. My wound had made me delirious, they say. As for John, he maintains the same view, claiming to have found me insensible among the rocks. *He bien!* Perhaps it is best so. One thing seems certain, viz: that all the landmarks I noticed on the way have been obliterated, or in some way changed, so as to be rendered undistinguishable. Now, a question comes up here: If the Indians can change the face of the country so as to prevent one from revisiting them, may they not likewise be able to destroy every entrance to the valley? Will men ever penetrate into it, or is it to remain a myth forever? The accounts that reached Europe of that great city of Manoa, or El Dorado, in Guiana, were far more authentic and creditable than any we have had, up to the last century, of Pekin and the "Flowery Kingdom." It had been seen, its site among the mountains, in the midst of a fair lake, the glittering whiteness of its walls and spires, its highways, 'as much beaten, it is reported, as those between Madrid and Valladolid, in Spain;' all these things were noticed and enlarged upon. But where is Manoa? Ralegh, the noble, chivalric, high-souled Ralegh, lost his life because he was unable to answer that question; and the question still remains unanswered, though Spaniard, and Portuguese, and Englishman, Hidalgo, and Buccaneer, have often essayed its solution. Science may find 'Jasper's valley, (as they style it) some day, however, and reap the fruits of the discovery. Whoever shall penetrate to it, will find the bones of those luckless unreturned adventurers bleaching in the valley, or on the hill side, as I found those of the unfortunate Spanish deserter, who was perhaps the first discoverer of our El Dorado, and, like all presumptuous ones, received his reward—the reward of the innovator, since the days when Prometheus shivered in dumb agony on Caucasus."

[TO BE CONTINUED.]

A singular and malignant disease has appeared in Providence, and some cases have proved fatal. The Providence *Post* says of it: "It commences as a little dark red spot, on the face or hands, with perhaps a stinging or pricking pain, on which spot there soon appears a pustule or vesicle, seated on a hard inflamed base, in which is formed a slough of charcoal blackness, where mortification commences. The cases are attracting the earnest attention of the physicians. The only effectual mode of treatment is said to be, to burn the pimple out in its early stages, with a hot iron or with caustic."

For the National Era.

MEN AND WOMEN.

No. 8.

Authorship—its Trials and Triumphs.

BY GAIL HAMILTON.

Girls generally have more or less taste for writing. If we could believe critics on the subject, they take to poetry as naturally as ducks to water; but we do not believe critics, because they write from theory, not from observation, and know little about the inner life of girls, actual, every-day girlhood. Of all those who are unfitted by their organization for a life of inactivity, by their moral sense for frivolity, by their position, possessions, or taste, for manual labor, by far the larger part will turn to the school-room rather than to the pen. Still there are, in the aggregate, many who cast wistful and furtive glances towards authorship. It is to them a

> "Shadowy isle of Eden, lying in dark purple spheres of Sea"—

a Land of Promise, wreathed in golden mist, indistinctly limned, but wondrous fair. To the high-spirited and finely-strung, it proffers mental work and pleasurable excitement behind an impenetrable veil. To the poor and struggling, it is a mystic Aladdin's lamp, flashing before their dazzled eyes the gleam of gold, paving their way to happiness with pearls and diamonds.

Undoubtedly these castles in the air are not "the baseless fabric of a vision," but, like our thrilling novels, are founded on fact, perhaps on just about as large a proportion of fact. There is a charm about writing. I can conceive of a few things more delightful than to see one's self right-angled off in oblong form, on fine white paper, with broad margins, clear type, Russian calf, and Illustrations by Darley. I should be a little ashamed to have it known, but I don't mind telling you in confidence, that *one* of the happiest days of my life will be that which sees me writing on the fly-leaf of such a volume,

John Smith, Esq.,
With the Respects of
THE AUTHOR.

Still, as that is a consummation which seems to run no imminent risk of being consummated, we will take heart of grace, and see whether the grapes that lie beyond our reach may not be, after all, a little sour. Even to be printed, is not unmixed happiness. The Evil One, who, by common testimony, makes printing-offices his peculiar haunt, probably because they are the strongest foes to his continued reign, takes a malicious and impish delight in ruining your finest figures, marring your smoothest lines, and torturing your soundest sense. Your "courteous knights" are transformed into "courtiers," your "radiant suns" elongate themselves into arms," your "rapid thought" becomes "vapid" all too soon, your "mental riches," instead of taking to themselves wings, as they are proverbially bound to do, melt off the Icarian pinions you have given them, and subside into "inches;" and your own sunny temper, catching the infection, waxes wrathful and explosive.

If your cistern is over-full, a newspaper is a very convenient faucet—if you can unscrew it. I know that editors complain bitterly of the multitudinous pipes directed to their sanctums, and the "weak, washy, everlasting flood," with which they are inundated; but I would not hold back on that account. What is the use of having newspapers, pray, if you cannot write for them? Do dry-goods clerks complain because their counters are continually strewed with silks and muslins—because they are constantly obliged to arrange, and derange, and rearrange? Why, it is their business. It is a sign of prosperity. A shop whose shelves were always in order would be apt to close business in a month; and a newspaper, which is not sufficiently alive and active to draw into its vortex a host of spirits from the vasty deep around it, will soon stagnate into decay and death. Besides, how small a portion of the whole suffering is borne by the editor. It is absolutely appalling to think of the hopes and fears, the aspirations and dreams, the anxieties, tears, and heart-throbs, the watching, waiting, and disappointment, shut up in the "dark drawers" of editorial tables—those terrible Black Holes of literature—those undiscovered bourns whence no article returns—those "graves without a monument." And the worst of it is, that in the great majority of cases the execution is merited. I suppose it does sometimes happen that wheat and chaff are alike condemned. In fact, I know it does. If you should be impertinent, and ask me how I know, I should follow the example of the smiling and dapper Autocrat of the Breakfast Table, the self-elected but popularly-sustained monarch of our Unterrified Democracy, and simply say, "*Nullum tui negotii.*" Still, as I was remarking, if your poem is not printed, there is a presumption, at least, that it was not worth printing.

If you are a little inclined to egotism, and tolerably imaginative, you can trick yourself out in all sorts of Protean shapes; serve yourself up in as many different disguises as a French cook does a *ragout;* and, at the same time, preserve the most rigid reticence; because no one knows how much is memory and how much is imagination. Or if you have acquired the habit of entertaining views of things, it gives you an excellent opportunity to exhibit them; and of the many comfortable things in the world, one of the most comfortable is to give your views. It is so agreeable to say things, when you have things to say. Your opinions may not be very striking, or original, or important; still, it is a relief to express them. No matter if they have been said fifty times before; you never said them. They must go through the crucible of your brain before they can be efficient in preventing a congestion from plethora of ideas. The stream may have meandered down the mountains of life a thousand years, and heaped together priceless diamonds and ingots of gold, and yet fail in that fertilizing power more valuable than all, till it sweeps along the rich alluvial deposits that lie in the green meadows of your own soul. It does not satisfy your craving for the "delicacies of the season," to know that salmon and peas have been eaten since the world began.

In so far as literature seems to you a royal road to fame and fortune, let me entreat you not to be deceived. If you have been put through Watts's "Sixteen Rules for Gaining Knowledge and Mental Improvement" as thoroughly as I, I shall not need to say, "be not so weak as to imagine that a life of learning is a life of laziness and ease." But, besides good Dr. Watts's exhortations, the testimony of the great mass of writers proclaims,

> "Hard the labor, small the gain,
> Is in making bread from brain"

I have seen, in several modern American novels, certain counter statements. Brilliant but obscure young women are represented as having surreptitiously sprung a book upon an unsuspecting public, and being summarily overwhelmed with "money, and fame, and troops of" distinguished friends and patrons. I know that charming Fanny Burney did really smuggle her Eveline into the world without even the complicity of "Daddy Crisp;" and that there presently fell upon her listening, straining, but scarcely expectant ear, a rustling among the mulberry trees; coaches blocked up the way to the circulating libraries; Burke sat up all night to watch the adventures of a young lady upon her first entrance into the world; fops levelled their glasses; women of fashion patronized the shrinking authoress, and the brutal, benevolent "Great Cham" coiled his huge arm thrice about her slender waist, and bound her to him forever. Nor have I any doubt, that, notwithstanding Campbell's savage toast publishers are often honest, upright, excellent men, many of whom would gladly bind up the wounds and bruises which their own hands have been forced to inflict. There are individuals among them—three, at least, I know—who are perfect pinks of disinterested kindness, full of good works and alms deeds. Still, I think I do not err in affirming that, as a class, they are not largely addicted to sending huge rolls of spontaneous banks bills to anonymous correspondents. When you hear of men's receiving twenty, forty, or a hundred dollars a page, and twenty and forty thousand for a volume of history, or romance, or science, don't think of the forty dollars simply, but of the forty years of daily and nightly toil, research, study, thought, contrivance, experiment, disappointment, discouragement, vexation, and heartache, that have preceded them.

> "The crowd, they only see the crown,
> They only hear the hymn.
> They mark not that the cheek is pale,
> And that the eye is dim."

Do you prize the crown so highly, that you will bear the cross? To be purified by the poet's fire, will you endure the anguish of the burning? Do you worship the goddess with so true a faith, that you will offer up yourself at her shrine?

There are obstacles without as well as within. A certain prejudice against female writers "still lives." It is fine, subtle, impalpable, but real. It is like the great ocean of air that wraps us round. A little of it cannot be seen; it is only in mass that it becomes visible. It is like a far-off star; look straight at it, and it is not there; look askance, and it twinkles and winks at you again. It is like the Indian in warfare; it never meets you face to face, and takes fair aim, but, darting behind shelter, sends a shot obliquely. It is also like the Devil; resist it, and it will flee from you. It is indeed vanishing every day; and as woman gravitates to her proper place, and the elements cease to be agitated, it will entirely disappear. Like other fashions founded on whim, caprice, or injustice, and not on the eternal fitness of things, it will go from master to man, from man to scullion, from scullion to the dogs. It has already begun its downward progress. Large-hearted and large-brained men, the monarchs of thought, have flung it clean off. The ranks below them, men of small capacities but unbounded ambition, who see in women their own rivals—who fear, and justly, too, that a fair field and no favor would oust them from seats they have questionable claim to fill and infinite difficulty to hold—have caught the flimsy, floating thing, and see but darkly through its tremulous shimmer; and, with limbs tangled in its fair, strong, invisible meshes, walk stumbling and uncertain. So long as you will lend yourself to the amusement of these men—be witty, playful, piquant, affectionate, and saucy; dance and sparkle along their ascending pathway; circle, as brilliant a satellite as you please, round themselves, the central, acknowledged sun, they will shine down on you the most benignant and complacent condescension. But once undertake to set up for yourself; get the troublesome idea into your head, that that head was given you for something more than a series of fireworks; tell them seriously that you have been thinking whether all play may not make Gill a mere toy, just as it does Jack, and whether there may not be something in the world for you to do; whether the purling, singing, happy brook, that now only freshens the violets on its banks, may not, by widening and deepening the channel, be made subservient to nobler and not less purer uses; whether the same vivacity, compactness, and power, that enliven the social circle, and fling a charm around a few favored lives, may not gleam on a broader sphere with no diminished lustre, soften the harsh outline of some unwelcome truth into grace and loveliness, light up some sombre picture with golden tints, polish some hidden blade—rusty, disused, and rusty because disused—into Damascene gleaming, suppleness, and sharpness, and restore it once more to the armory of God—and lo! our respected friend, who, whilom, found no words so sweet as fitly could express his love, complacence, interest in your weal, admiration of your character, and pride in your reputation, cools suddenly down to zero—leans leisurely back in his comfortable study-chair, strokes caressingly his black mustache, and with eyes turned contemplatively ceiling-ward, and infinite and pitying forbearance of voice and manner: "Yes," (rising inflection, indicative of mental and subjective interrogation,) "Ye-s," (falling inflection; interrogation not satisfactorily answered,) "You may be able to effect something. There are very respectable authors among women." (Magnanimous concession!) "There is no doubt that the thing is overdone. Still"—and here, or a minute after, at furthest, he will cut an intellectual pirouette, and with a most frank, arch, and engaging smile, inform you that, after all, he would "rather see a ring on your third finger than an ink-spot on your first." Stupid!

You will often see the outcropping of this feeling in the criticisms of women's books; not that just and generous criticism which discriminates between the evil and the good, condemns the one without rancor, and applauds the other without servility, but that half-flattering, half-contemptuous, and wholly contemptible notice, whose compassionate blame and condescending praise are alike insulting. Such was the revenge of our sleek, respectable, self-admiring, male writers, when Aurora Leigh—God bless her—dashed in upon their fancied security, and shivered her most knightly yet right womanly lance against their time-honored commonplaces. What a shaking of the dry bones there must have been, indeed, under the hoofs of her high-mettled steed? But, as soon as their spirits returned to them again, they fell a-babbling of Socialism, and Fourierism, and Chartism, and "all the others that end in" ism; and there was poetry in the book, *but* there was a deal of obscurity; and there was felicity of expression, *but* there was occasional awkwardness; and there were a great many things, *but* there were also a great many others; and, on the whole, Aurora Leigh must be pronounced a failure. Self-blinded! If Aurora Leigh be a woman's failure, what would a woman's success be?

Sometimes this prejudice takes the form of disinterested counsel, paternal and affectionate advice; but through the lion's skin, the long ears reveal indubitably the true nature of the animal. "Aspiring sisters," says the domestic brute before alluded to, "why is the tone of your lucubrations always so mournful? If you must write, write cheerfully. Don't let every song be a dirge. We want to be amused when we read, (there is the ear again;) consume in private your private griefs." Not a doubt of it. Beyond cavil, it would be vastly agreeable to our private Neros—Heaven be praised that they are few—I know that there are some—who harry the life out of wife and child, who are tyrants without fear of assassination, because their victims are too good—or of public opinion, because the thing is done in a corner—or of the law, because it takes no cognizance of soul-murder—doubtless it would be vastly agreeable to them, that women should endure uncomplainingly. No voice louder than theirs in praise of her sweet self-abnegation and silent fortitude, or in deprecation of publicly-displayed sorrow, when, in song or story, the minor key of sadness, the outburst of long-pent-up anguish, or the unmistakable wail of a broken heart, sends home to their own breasts the prophet's stern charge, "Thou art the man." Consume in private your private griefs! No. Take them in a bundle, if you choose, and bear them to the highest mountain-top; ring the church bells, hoist the flags, beat the drums, and let the whole world see the bonfire; and if the flame scorches our sensitive friends, let them just stand back. Why should they flutter about it, if they don't want their wings singed?

Do all or any of these things move you? Do you fear to launch your bark on so unquiet a sea? Do you shrink from the lion without, lest you should be slain in the street? Then by all means remain within doors, and hold your peace. Do not fancy that you would achieve immortality, if you only had the chance—that you would soar sun-ward, if your wings were not pinioned. Genius is expansive, irresistible, and irresistibly expansive. If it is in you, no cords can confine it. A good book will get itself written. Authorship is not a thing to be quietly chosen, as circumstance may determine. It chooses you; you do not choose it. Did Mrs. Browning sit down in her little back parlor, and wonder whether she would better fashion a song, or devote herself exclusively to Robert's shirts and stockings? And, observing that she had facility in language, familiarity with the classics, knowledge of human nature, and abundant leisure, did she forthwith seize her pen, and tell us

> ——"how a fairy bride from Italy,
> With smells of oleander in her hair,
> Was coming through the vines?"

I trow not. I rather believe that her spirit groaned, being burdened—that she was but an unwilling Sibyl, lashed on, foaming, by a fierce Apollo. Currer Bell trod in agony the desolate heaths of Haworth, till the consuming fire burned deep scars in her tortured soul, before Jane Eyre leaped, full armed, not from her throbbing brain alone, but from her riven heart.

If prejudice, ignorance, or sloth, pile a Hill Difficulty which you hesitate to scale; if indifference, neglect, or rebuff, quench your spirit's glow; if encouragement and appreciation must be the Aaron and Hur on either side, without whose aid your failing hands droop, nerveless; if you fear to speak out boldly your convictions, lest you forfeit approbation; if peace, and smiles, and sunshine, seem to you more desirable than truth; if you are not, in and of yourself, sufficient to yourself; if a mind conscious of rectitude, of upright intentions, and honorable performance, is not to you a sufficient guerdon—you may be

> "A perfect woman, nobly planned,
> To warn, to comfort, and command,"

but lyre and tripod are not for you. The world awards its meed of praise to no uncertain claimant. Only to him that hath shall be given. You go out on a mission of high emprise, with scrip, and staff, and "sandal shoon," and there are few to say "God bless you." You return in purple, and scarlet, and fine linen, with gilded chariot and horse of Arabia, and the world comes out to meet you, with timbrels and dancing, and ministers unto you a triumphal entrance. I do not say that this is wrong; only that it *is*. You must conquer Fate, before Fate will bow the knee. You must prove your royal blood, before you can wear the royal crown; and that perhaps so late that it will only press, cold and heavy, on aching brows.

ANOTHER ATTEMPT TO SWINDLE THE GOVERNMENT.

WASHINGTON, *January* 31, 1859.

There is much talk, in private circles, about the probable success of a grand scheme formed among certain speculators in high places, in this city, to obtain possession of the island of Rock Island, in the State of Illinois, containing about 900 acres of land, and estimated to be worth upward of $2,000,000. This island was set apart as a military reservation as long ago as 1815, and has remained a military reservation for more than forty years. For the last ten years, various attempts have been made by speculators to obtain possession of it in some way, as a speculation, but they have hitherto been thwarted by the prompt and active measures of the War Department. A few months after Mr. Buchanan's inauguration, a combination was made, in this city, by George W. Jones, United States Senator from Iowa, and a man calling himself Major Lindsley, to become possessed of the island, by locating a lot of squatters upon it, building cabins for them to live in, and then setting up pre-emption claims to it under the pre-emption law.

The agent whom the Government employed to protect the island and keep squatters off, and who, under former Administrations, has always discharged this duty faithfully, was removed by Mr. Buchanan, and another appointed in his place, who, to the surprise and astonishment of everybody, permitted these employees of Jones and Lindsley to take possession of the island, protecting them, and doing all in his power to aid them in the accomplishment of their scheme.

A quarrel, it seems, has arisen among these settlers, and they have ranged themselves into two parties, each claiming the island. Is it not a remarkable feature in this transaction, that United States Senators, and United States Attorneys and Solicitors, should be parties to a scheme to defraud the Government of the United States out of a large and valuable tract of land, worth millions of dollars, while their duty is, under their oath of office, to protect the rights and interest of the United States against such attempts?

It appears from the *Chicago Press and Tribune* that they are trying to take shelter under some loose expressions in the opinion of Judge McLean, in the Rock Island bridge case, in which he declared that the military reservation, having been abandoned in 1848, became a part of the public lands, and subject to the general land laws. Now, if Mr. Fitch, the United States District Attorney, understood his duties, and desired to execute them, and not to aid these swindlers, he would know that the Supreme Court of the United States, in a very important and noted case, decided directly the reverse of this, when Gen. Beaubien, of Chicago, proved a pre-emption right to the Fort Dearborn reservation in that city. In that case, notwithstanding Gen. Beaubien had resided for thirty or forty years upon the reservation, notwithstanding the proclamation of Gen. Jackson declaring the reservation subject to private entry and pre-emption, the court decided that, having once been a military reservation, it could never become subject to private entry or pre-emption, and could only be disposed of in such manner as Congress should prescribe for the sale of military reservations. According to that decision, these would-be pre-emptors can have no claim whatever to a pre-emption on Rock Island.

The Commissioner of the General Land Office, I learn, has decided, or is about to decide, in favor of those pre-emptors, and I also understand that the Secretary of the Interior is opposed to it, and will overrule such decision if made. Anticipating this last result, the conspirators are trying to procure an act of Congress confirming their pretended pre-emptions, and it is said that, on application of Senator Jones and others of his associates, the Committee on Public Lands of the House of Representatives have already agreed to report in favor of giving Rock Island, worth now a couple millions of dollars, and daily increasing in value, to a gang of plunderers for $1.25 an acre, or a little over $1,100! These are the facts of this astounding case, but I hope the timely exposure of this scheme will prevent its consummation.—*Cor. Philadelphia Press.*

DR. WILLIAM CHANNING AND HIS DIVORCE.—Without trenching upon those precincts of domestic life which should be sacred from public intrusion, we think it important to say, as we do on the best authority, that the matrimonial difficulties of a distinguished man of science in New England—the heir of an illustrious name, and himself a public benefactor—upon which various comments seem now to be circulating in the New England press, date back to a period long anterior to the excitements of "Spiritualism," and are of a nature so purely private and personal as should exempt them from public inquisition. Whatever mischief the jargon of "Spiritual affinities" may have done in the world, it is no more responsible for this particular case of conjugal infelicity than for the domestic troubles of John Milton or the Emperor Napoleon I. The case may therefore be dismissed from the scrutiny of the press to that of the courts, and of the individuals most nearly concerned.—*N. Y. Times.*

"LET THE PEOPLE RULE."—When Mr. Douglas was notified of his re-election to the United States Senate, he telegraphed back to the Illinois *State Register*: "Let the voice of the people rule." This inspired the editor of the Chicago *Press and Tribune* to make an investigation, resulting, according to the following statement—

For Abraham Lincoln - - -	124,973
For Stephen A. Douglas - - -	120,784
Majority for Abraham Lincoln -	4,191

According to this, Douglas ought to resign.

Mr. Webster said, in his speech at Buffalo, May 22, 1851:

"I never would consent, and never have consented, that there should be one foot of slave territory beyond what the Old Thirteen States had at the time of the formation of the Union! Never, never! The man cannot show his face to me, and say he can prove that I ever departed from that doctrine. He would sneak away, and slink away, or hire a mercenary press to cry out, What an apostate from liberty Daniel Webster has become! But he knows himself to be a hypocrite and falsifier."

TO ADVERTISERS.—Business men will find it greatly to their advantage to advertise in the *Era*.

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WASHINGTON, D. C.

THURSDAY, FEBRUARY 24, 1859.

All *new* subscribers will receive the *Era* from the 1st of January, unless otherwise requested.

CONGRESS—TUESDAY.

Senate.—After the morning business, a motion was made to postpone the unfinished business of Monday, which was the thirty-million bill, in order to take up the general appropriation bill. Mr. Slidell opposed the motion, and gave notice that, if the motion failed, he should press the thirty-million bill to a final vote; intimating that, if the motion prevailed, he should abandon his favorite measure. Nevertheless, the motion was carried, and the Senate proceeded to the consideration of the general appropriation bill.

The House was engaged in the consideration of amendments to the Post Office bill.

TROPICAL COLONIZATION.

The triumph of Freedom in Kansas, in spite of the active intervention and lawless usurpation of the Federal Government in behalf of Slavery, has demonstrated that the great heart and centre of the North American Continent is to be colonized and occupied by the free Caucasian race. Whatever may be the future destiny of Slavery, it cannot go an inch further north. On the contrary, it is now clear, that even though that institution should survive for generations, it must yield up its foothold in all the more temperate latitudes, and gradually gravitate towards the equator. The tropical zone of the American Continent is, in every point of view, the most desirable portion of the earth's surface within the same parallels of latitude. It abounds in high, healthy, and fertile table lands, in which perpetual spring reigns. Its productions embrace nearly everything which can minister to the comfort and happiness of man, from the cereals and the vegetables of the temperate regions of the earth, to the luscious fruits which ripen under a vertical sun. The northern portion of this garden of God is peninsular in shape, all parts of which are convenient to the great Atlantic and Pacific oceans. The southern and central regions expand into a broad continent, which is drained by two of the largest rivers in the world, navigable for thousands of miles. This great tropical zone is in a large measure uninhabited, except by savages, as our own Western wilds are; while its most populous parts are inhabited by a comparatively small, feeble, and rapidly-decreasing mongrel race of Indians, Spaniards, and Portuguese.

"Manifest destiny" points with unerring hand to the period when it is to come under the direct control of the American Union; and the question is daily growing in importance, by what class of our population shall it be colonized and occupied, and what institutions shall we plant on its fertile soil? Shall we dedicate it to Freedom or to Slavery? That is the question; for we regard it as inevitable that either as freemen or as slaves the black population of this country is destined to find its way to the tropical regions, and to subdue their virgin soil. We have no confidence in the projects and theories which contemplate the establishment of a laboring population in Central and South America, of European origin. If the temperate latitudes were densely crowded with a white population, it is probable that it might gradually push its way southwardly to the equator, and beyond it. But it will be at least a century before the United States, within their present limits, can attain to the degree of density which will be necessary to precipitate their overflowing masses upon the equatorial regions. In the mean time, those vast countries—the valleys of the Amazon and the Oronoco, and the adjacent States on both sides of the Isthmus of Panama, will have had their destinies fixed as the permanent abode of Americo-African slaves or Americo-African freemen. A few thousands of white Americans may, and doubtless will, emigrate to the tropical regions, with a view to make fortunes by buying lands and building cities; but the laboring masses, in city and country, must be African and aboriginal. It cannot be European.

Entertaining these views, we have looked with favor upon the propositions and suggestions pointing to the establishment of colonies in Central and South America, composed of the free colored citizens of this Union who may desire to better their condition by voluntary emigration to lands in which their political rights would be better protected than they have been in even the most tolerant of our free States; and where their social equality would be indisputable, instead of being universally denied. Our views will not be misconstrued or misunderstood by any fair-minded man. We are unalterably opposed to forcing the free colored people out of the country; and no scheme which even squints at such an act of tyranny could for a moment have our support. We denounce all measures which even tend to such a result, by rendering the condition of colored men uncomfortable, or by withholding from them any of those "inalienable rights" which the Declaration of Independence promises to all men, and which their ancestors, as well as our own, fought to secure and establish.

But it is one thing to force the exile of the free colored people by compulsory or unfriendly legislation, in order to "get rid of the free negroes," and a very different thing to encourage them to emigrate to a most desirable and congenial portion of the world, with a guaranty of protection and aid, in order to promote their welfare, and prevent the spread of Slavery. These latter are the reasons which induce us to favor the project proposed in the Senate by Mr. Doolittle, on the 9th instant, in the form of a resolution, as follows:

"That the sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to enter into negotiations to acquire by treaty, in Yucatan, Central or South America, the rights and privileges of settlement and of citizenship for the benefit of such free persons of color of African descent as may voluntarily desire to emigrate from the United States, and form themselves into a colony or colonies, under the laws of the State or States to which they emigrate—the United States, in consideration of the commercial advantages of free trade with such colony or colonies, making and securing the necessary and proper engagements to maintain them in the enjoyment of the rights and privileges acquired by such treaty or treaties: *Provided*, That full and accurate accounts for which expenditure shall be by him transmitted to Congress at the next session after said expenditure."

Among the considerations which induce us to favor the resolution is the daily-increasing obstructions thrown in the way of emancipations in the South. The intolerance of the Pro-Slavery feeling has become so great, that no slave can be emancipated on the soil; and the slaveholder who is troubled with conscientious scruples about holding his fellow men in bondage has to choose between sending them to the free States, where the climate is unfriendly to the nature of the African, and where the new-born child of Freedom is thrown into competition for the means of subsistence with the intelligent and skillful Caucasian, whose birthright is Freedom and its responsibilities, or else to Liberia, whose feeble organization, to say nothing of the climate, hold out but indifferent inducements to the immigrant. The result is, that Slavery is often preferred to Liberian exile.

We believe that the Colony or Republic of Liberia is entitled to great credit for the example it has given of the capacity of the Americo-African for self-government. For more than ten years it has been a self-governed community, during which period no country in the world has exhibited a finer example of the union of liberty and law. The Liberians, composed in nearly equal proportions of emancipated slaves, and of those who were nominally free before they left these shores, have the same liberty of speech and of the press, the same trial by jury, and the same representative institutions, and in the same perfection that we enjoy them. Indeed, Liberia is superior to us in this, that in no portion of her territories are men held in Slavery, or subject to reclamation as fugitives from Slavery; and no Dred Scott decision has declared that white men have no rights which black men are bound to respect. The Republic of Liberia has also the merit of having suppressed the slave-trade on all her coasts, of a thousand miles in extent. But the great drawback from the advantages which Liberia possesses as a home for the black man consists in its feebleness, which compels the people to settle upon the sea shore, where fatal fevers prevail, which prevent the increase of population. It is said that efforts are making to extend settlements in the interior; and we doubt not the truth of the accounts which state that the hill country, back of the coast, is comparatively pleasant and healthy. But no considerable progress has been made in the establishment of such interior settlements; and the absence of trade and business renders Liberia anything but a desirable country to settle in, except as a place of refuge from the oppressions of Slavery.

The colonization of Africa, although desirable as a means of extending civilization and Christianity, can never have any tendency to abolish or check the spread of Slavery. Indeed, it is maintained with considerable plausibility, that its design and tendency are to strengthen Slavery, by removing the free colored population, while it can never draw off any sensible proportion of the slaves.

In these respects it stands in marked contrast with the plan proposed in the resolution of Mr. Doolittle, which is, to pre-occupy with free colored labor portions of the American continent which must otherwise fall into the hands of the slaveholders, and thus serve to extend the area, augment the power, and protract the existence of Slavery.

Mr. Blair, of Missouri, it will be remembered, made a similar proposition in the House of Representatives twelve months ago, which met with the approbation of some of the most radical Anti-Slavery men, as well as of others who would scarcely desire to be thought Anti-Slavery in sentiment. In a recent lecture delivered by him in Boston, he elaborates the same ideas, and displays equal ability and research. The lecture has been issued from the press of Messrs. Buell & Blanchard, of this city, accompanied by an appendix containing numerous letters and other expressions of approbation of his views, as expressed in his former speech. Among the opinions which are given to this effect are those of Senator Trumbull of Illinois, Senator King of New York, Governor Bissell of Illinois, Robert Wickliffe, Esq., of Kentucky, who we may remark is reputed to be the wealthiest man in that State, and formerly a distinguished actor in public affairs. The following letters from the Hon. Gerrit Smith place the matter on its proper basis. Having written the above before reading these notes from Mr. Smith, we find that we but re-echoed his sentiments:

"*Letter from Gerrit Smith.*

"PETERBORO, *April* 24, 1858.

"DEAR SIR: * * * I agree fully with you, that the mass of the whites in the the slave States would be in favor of emancipation, could an outlet for the emancipated be afforded. Such an outlet there would be, were there a well-protected black State in Mexico or Central America for our blacks to go to. The further it were from us, and the more different its soil and climate from ours, the less probability would there be of a desire on either part to have that State become a member of our Union.

"Among all feasible things, there is nothing that, in my judgment, would so much promote a peaceful abolition of Slavery as your son's plan. Let him be careful that no part of it be couched in words that would offend the blacks, or invade their self-respect. The plan, to succeed, must be such as will in every way please them, and increase, rather than waste, their too little self-respect. Very truly, yours,

"GERRIT SMITH.

"*To F. P. Blair, Sen.*"

"PETERBORO, *April* 13, 1858.

"DEAR SIR: It is with very great pleasure I received your letter. The copies of your son's admirable speech, which you say you sent me, I have not yet received.

"I am decidedly in favor of inviting our free colored people to colonize in Central America. Africa is too far off. The idea of returning to her all her children upon the continent and islands of America, is absurd. They will at no very distant day congregate in our western equatorial regions, say within fifteen or twenty degrees of the equator.

"But I will consent to no form of compulsion to promote this colonization. Let the world be all before the black as well as the white man. Let them be entirely free to stay where they are, or go where they please; and wherever they may be, let them not be denied a single right of their manhood. Yours,

"GERRIT SMITH.

"*F. P. Blair, Esq.*"

Mr. Blair also publishes a strong letter of approbation from Professor Silliman, and the following characteristic note from the Rev. Mr. Parker:

"*Letter from Rev. Theodore Parker.*

"BOSTON, *Jan.* 24, 1858.

"DEAR SIR: Excuse a stranger for troubling you with a word. I have just read your excellent speech. It is published in the *Daily Advertiser* of this morning—the most important journal in New England. Allow me to thank you for it with all my heart. I think there has been no such Anti-Slavery speech in Congress, since Mr. Sumner's, until Mr. Hale spoke last week. It is a good sign, when the member from Missouri can say such things.

"Yours, &c., T. PARKER."

The appendix to the speech contains letters from several intelligent colored men, expressing their high satisfaction with his plans, and giving at considerable length their views of the subject. We should be glad to quote from these letters, but must desist for the present.

CONVENTION OF EDITORS.—*Harrisburg, Feb.* 17.—The convention of Pennsylvania editors met here yesterday afternoon, in the Hall of the House of Representatives. The press of Philadelphia is represented by Morton McMichael, of the *North American;* John W. Forney, of the *Press;* and J. Morris Harding, of the *Inquirer*. About eighty delegates were present, and speeches were made by Governor Packer, Colonel Forney, and others. The business committee made a detailed report, which was referred to a select committee of three, who are to report at a special convention, to be held on the third Wednesday of August, at Pittsburgh.

MADAME MARIO.

The readers of the *Era* will probably remember the name of Jessie Meriton White, whose exertions and sufferings in behalf of Italian liberty were the theme of universal comment a few months ago. This lady, now the wife of Signor Mario, an Italian, has come with her husband to this country, to advance the cause which she has so much at heart. Her purpose is not to solicit aid from Government, or in any way to commit us officially, but to obtain contributions from individuals, so far as may be, and especially to awaken the sympathies of a free people for a people worthy and struggling to be free, but who have been hitherto so held down by a hostile, hated, and stronger Power, that they have not yet achieved freedom. There is a too-prevalent impression that the Italians are but a collection of petty tribes, ignorant, slothful, and deceitful, ready to break out into a revolt, for want of something better to do, but animated by no lofty impulse, and guided by no fixed principle. This false impression Madame Mario will dispel. Having lived in Italy during the last ten troubled years, mingling freely with the people, high in the confidence of Mazzini and other revolutionary leaders, yet foreign by blood and birth, her testimony is likely to be impartial and unprejudiced, as it certainly is clear, decisive, and of thrilling interest. In her lectures (Signor Mario does not understand English) she gives a brief and comprehensive view of the previous history of Italy, which enables us to understand the intensity of their later struggles, to regret, without surprise, their want of success, and anticipate, without credulity, a different result in the future. To all those who believe that right is a holier thing than might, to all who sympathize with the oppressed against the oppressor, we recommend Madame Mario as a large-hearted, clear-brained, and *womanly* woman; and we bespeak for her a cordial welcome, a respectful attention, an effectual co-operation, and a hearty God-speed.

ANOTHER MESSAGE—A HARD CASE.

The President sent another message to Congress on Friday last, in which he grievously complains of the constitutional restrictions that hedge him in on every side, and demands to be released from them. He insists upon being invested with the kingly prerogative of making war and peace at his discretion; and he frankly informs the two Houses, that if they withhold from him the authority which he demands, he will not hesitate to exercise it, notwithstanding, on his "responsibility." He says that the Executive Government "would have no authority to enter the territory of Nicaragua, even to prevent the destruction of the transit and protect the lives and property of our own citizens in their passages. *It is true that, on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility.*"

It is clear, after this broad hint, that the only way to avoid the threatened violation of the Constitution, is for Congress meekly to register the imperial edict. There is no alternative. He frankly admits that he has no constitutional authority to invade Mexico or Central America; that the Constitution has expressly withheld that power from the Executive, and conferred it upon the Congress; but with the cool insolence of an autocrat, assured of his arbitrary power, he warns that body that he would, in "a sudden emergency," overleap the constitutional barrier, "*on his own responsibility.*"

Mark how our autocrat chafes under his constitutional fetters. He says:

"The Executive Government of Great Britain, France, and other countries, possessing the war-making power, can promptly employ the necessary means to enforce immediate redress for similar outrages upon their subjects. Not so the Executive Government of the United States.

"If the President orders a vessel of war to any of these ports to demand prompt redress for the outrages committed, the offending parties are well aware that in case of refusal, the commander could do no more than remonstrate. He can resort to no hostile act. The question must then be referred to diplomacy, and in many cases adequate redress can never be obtained. Thus American citizens are deprived of the same protection under the flag of their country which the subjects of other nations enjoy. The remedy for this state of things can only be supplied by Congress, since the Constitution has confided to that body alone the power to make war."

Is it not hard that our Democratic autocrat should be hemmed in by musty constitutional records, and denied the exercise of kingly prerogatives? Who will not sympathize with him? Just think of it! There are the despots of France, Austria, Russia, and even the constitutional sovereign of England, invested with the right to make war and peace, and interpose instanter for the protection of their subjects who have business in foreign lands, while our good, patriotic, liberty-loving President can do nothing until specially authorized by act of Congress! What a stupid set of theorists were the framers of the Constitution! It might have been all well thus to restrain the hands of Washington, Adams, Jefferson, Madison, etc., but more dull in them not to foresee these halcyon days in which our country is honored and blessed by the rule of the sage of Wheatland!

The demand of the President for an extra constitutional prerogative is a bold assertion, on the part of the head of the Democratic party, that the Constitution of our country, as framed by the great men of the Revolution, is a failure. That Constitution was found sufficient to the national exigencies during the last war with Great Britain, when our country was still in its infancy, and when every sinew was strained to its utmost tension in the maintenance of the national independence; and yet President Buchanan, nearly fifty years after that struggle, during which period the resources of the nation have increased ten-fold, finds it, or pretends to find it, impossible to defend the country against the weakest Powers on the continent, unless Congress will lay down its highest prerogatives at his feet, and practically make him a Dictator.

Can it be true, that the Constitution which Washington, Franklin, Adams, and Madison, bequeathed to us, has become obsolete, impracticable, and useless? Such is the virtual declaration of President Buchanan, in the message to which we refer. The framers of that instrument were wise, practical men, and, with the light of all history before them, they chose to vest the war-making power, not in an Executive officer, but in the representatives of the people and the States. The party which arrogates to itself a special share of reverence for the Constitution, now demands the overthrow of this vital and essential republican feature of our fundamental law. Shall it be gratified? Let this question of the abrogation of the Constitution, as proposed by Mr. Buchanan, be kept before the people; and let it be one of the issues in future elections, so long as the party which proposes it remains in power.

It is well known to intelligent men, of all parties, that the object sought by the President is the establishment of a protectorate over Mexico and Central America, with a view to force Slavery upon those countries, and give to the institution the fostering aid of the Federal Government. Slavery is becoming hemmed in on all sides, and the President, as the representative of the Oligarchy, is ready to overthrow the Constitution of his country, in order to extend and strengthen its power. The pretended necessity of interposing for the protection of American citizens, who may be passing through Mexico and Central America, will impose on no one. For seven or eight years our people have been in the habit of going to and fro across the isthmus of Panama, to the number of half a million of souls, and in all that time but one serious collision has occurred with the natives of the country. What the President desires to accomplish by the overthrow of the Constitution, and the assumption of the war-making power, is not the protection of American citizens on their way to our Pacific possessions, but the protection of lawless propagandists of Slavery, while they are violating the laws and overturning the institutions of the countries south of us.

DECLINE OF NEW ORLEANS.

For the most, part the history of the United States has been marked by extraordinary progress in population and wealth. Thousands of our native citizens were born subjects of a foreign Government, and not a few may remember when, as feeble colonists, our forefathers waged a doubtful war of independence. Within a lifetime, the poor and sparsely-peopled confederacy of colonies, have grown into a great and powerful nation, claiming rank with the great empires of Europe. Of thirty-three States, two at least have each more population and wealth than the whole Confederacy contained in 1776; and what at that period were small towns, with a few thousand inhabitants, are now magnificent cities, whose merchants are princes in wealth, and whose sails whiten every sea.

All parts of the Union have more or less partaken in this wonderful development; but the fact cannot be disguised, that certain sections exhibit signs of premature decay. The condition of paralysis in which the energies of Virginia, North Carolina, and South Carolina, remained for some twenty years, has been a frequent subject of comment in these columns. We have within the last few years been gratified to note in them a revival of prosperity; and we have drawn attention to the circumstances which have caused and accompanied the renewal of their energies, viz: the construction of internal improvements, the immigration of free population, and the relative, if not absolute, decline of Slavery.

But the most remarkable instance of the depressing effects of Slavery upon the prosperity of a community is presented in the case of New Orleans. In natural advantages, no city in the world excels it. It is near the mouth of the largest river in the world, whose navigable waters of twenty thousand miles in extent place it in communication with the most progressive community of which history gives an example, and which should make it the commercial heart and centre of what De Tocqueville styles "the most magnificent dwelling place of man on earth." But, in spite of these incalculable incentives to growth in wealth and power, New Orleans has for nearly twenty years suffered the same paralysis of its energies to which we have adverted in the case of Virginia. The decline of the great city of the South is the more deplorable, from the fact that it scarcely needs the artificial stimulants which have served to awaken new life in the old dominion. The great river and its tributaries leave little room for improving the facilities for internal commerce, or, at any rate, such artificial helps must forever remain inconsiderable in comparison with the Father of Waters.

We find the following results of a recent census taken in Louisiana, in our exchanges:

"The population of Louisiana, ascertained by a census taken last year, is 629,876, being an increase of 113,114 over the total of the year 1850. Of the present number, there are 311,217 whites, increase 55,726; 18,005 free colored, increase 623; 300,574 slaves, increase 52,765. The whites are in a minority of the whole population, as they were in the year 1850. The population of the city of New Orleans is 117,224."

The increase of population in the State at large has been less than we should have been led to expect; while that of the city is remarkably small. In the period between 1840 and 1850, the same stagnation was observable; but the development of the great West has been so rapid since the latter period, that we had been induced to look for a corresponding improvement in New Orleans.

In order to present the whole case to the reader, we quote from the Federal census the progressive population of the city from the year 1810, when the first enumeration took place under our laws, down to the last. In 1810, the population of New Orleans was 17,242; in 1820, it amounted to 27,176; in 1830, to 46,340; in 1840, to 102,193; and in 1850, to 116,375. According to the above statement of the recent State census, the increase of population in the city from 1850 to 1858 was only 849!

De Bow, in his compendium of the seventh census, says, on the authority of Dr. Barton, that the population of New Orleans in 1840 was over-stated in the census returns to the extent of ten or fifteen thousand. According to this statement, which is not improbable, the increase between 1840 and 1850 went on at a healthy ratio, of, say, thirty-three or thirty-five per cent.; so that the period of decline commences, not in 1840, as the above figures would indicate, but in 1850, or perhaps a year or two before.

The stagnation of New Orleans may be traced to two circumstances, both resulting from Slavery. The first is the almost exclusive commercial character of the city. New Orleans is the natural outlet for the products of the Mississippi valley; and it requires a very considerable population to effect the exportation of cotton, sugar, tobacco, and grain. This immense export trade would, in a free community, give rise to a corresponding importation of foreign goods; and, at the same time, become the nucleus of extensive mechanical and manufacturing enterprises. But Slavery has the same effects upon Southern cities that are so palpable all over the Southern country. It prevents a diversity of occupations, which is so essential to prosperity, and concentrates all energies upon one pursuit. The Southern country produces raw material, which the Southern sea-port cities export; and even the exportation is for the most part performed by ships owned in the free States of the North or of Europe. The imports of New Orleans are inconsiderable, and bear no proportion to the exports. The ordinary rule is, that the exports and imports should balance each other. But such is the paralyzing influence of Slavery, that the section of the country which produces the exportable commodities is dependent upon the section which has been less favored by nature, for its imported goods. New Orleans is even more destitute of manufacturing than of commercial enterprise. Manufactures and the mechanic arts are the life of cities. Philadelphia, with no great amount of foreign commerce, has become, by means of her manufacturing and mechanic arts, the second city in America. Nearly all our cities of the North and West owe their chief importance to this source; and even New York, great as is her commerce, has also an immense population engaged in mechanical employments.

Here, then, is the great defect in the social organization of Southern cities, in common with Southern society generally. There is a want of the diversity of employments which is found to be essential to prosperity.

A second source of stagnation and decline on the part of New Orleans is the diversion of her legitimate trade to the Northern cities. So heavy is the curse of Slavery, that the laws of trade, which, in the ordinary course of human affairs, would as naturally carry the products of the soil down the river, as the water flows to the Gulf, have been reversed. Large quantities of grain, tobacco, and cotton, within the last few years, have been conveyed to the markets of New York and New England, by the more direct if more expensive artificial thoroughfares. These heavy articles are conveyed up the Mississippi and Ohio rivers, and across the States of Illinois and Ohio, in the canals, to the lakes; and on arriving at Buffalo, they take the Erie canal for Albany. The energy of free labor encounters and overcomes the obstacles presented by these frequent transhipments, and is drawing away the commerce of New Orleans from its natural channels. Until within the last four or five years, New Orleans exported more than New York; and, if we are not mistaken, more than all the other ports of the Union; but the scale has at length turned, and New York has acquired a permanent ascendency in this, as in every other particular.

In 1840, the population of New Orleans, according to the return made by the census takers, was about equal to that of Baltimore, and some ten thousand greater than that of Boston. It has since been ascertained, as we have stated above, that an error of ten or fifteen thousand was made, which must be deducted from the official report given above. In 1860, the position of these cities, as to population, will present a quite different result. Baltimore has, at the present moment, at least double the population which the State census of last year exhibited in New Orleans; and it is probable that the Federal census next year will present a similar disparity. It is not at all improbable, that Brooklyn, Cincinnati, and Boston, will leave New Orleans as far in the rear as Baltimore has done; while Chicago and St. Louis will be far ahead of it.

The diseases to which New Orleans is subject are alleged in explanation of the declining condition of the city. But these diseases are no worse now than they were between the years 1810 to 1840, during which time the population increased rapidly. And, indeed, it is now said to be an ascertained fact, that New York, owing to its defective drainage and official mismanagement, is the most unhealthy city in the world. We know not how true this may be; but it is asserted by the New York city papers, on the authority of a Legislative report.

Slavery has spoiled New Orleans of her destiny, and doomed her, in spite of her unparalleled natural position, to a condition of inferiority. Yet her people cling to the cancer which is preying upon her vitals. When will they awake to a perception of their criminal folly?

BENJAMIN *vs.* BENJAMIN.

Mr. Benjamin made a speech a few days ago in the Senate upon the thirty million bill which we propose to notice more at length at a future day, as our present purpose is merely to place in contrast with each other the pictures which he draws, with graphic hand, of Freedom in Jamaica, and Slavery in Cuba. Premising that we regard the picture of Jamaica as partial and distorted, although made up from testimony given before a committee of the English Parliament, we proceed to present the case in his own language, or in that which he adopts from the Parliamentary report. He says:

"But, sir, I have nowhere seen the true condition of the island of Jamaica, under the operation of the British system of free labor for the production of tropical products, better illustrated than in the official reports from the island itself. It is scarcely credible that such a picture as I am about to read should have been issued by a report of the Central Board of Health of Jamaica, in the year 1852:

"'Yards' * * * 'which, after a rain, send forth streams of the most horrible description; numbers of dilapidated and falling houses, useless for all habitable purposes; ruined walls and remnants of fences, together with unenclosed sites of pulled-down houses, covered with filth and brush, complete the scene of every old Jamaica township, and the outskirts of the new.'

"'In villages, and on small settlements, the huts or dwellings of the laborers are composed chiefly of mud walls, sometimes of wattles, plastered with the same.' * * * 'In very few cases are they raised off the ground, nor are floored in any way.' * * * 'Ventilation, or the admission of fresh air, is almost invariably neglected.'

"'These small, dark, unventilated houses are frequently over-crowded, especially at night; within the small space of a few square feet, perhaps, on the bare ground, or may be on a mattress or mat, or in some cases on a bed, with a whole family of eight or nine persons, of all ages and of both sexes, huddled together, with the door and so-called window closed; all clad in the same clothes which they wore through the day, with children sleeping on mattresses, often soaked and half-rotted with urine and other secretions. Should there accidentally be a hole or crevice, this is immediately closed up by means of rags or something of that kind. The rush of odor on opening such a place must be experienced to be understood.

"'As regards water for domestic purposes, it is very much to be feared that a large portion of our population seldom think of that. Their persons are never abluted, save in crossing a river, or being exposed to a heavy shower of rain.

"'*Among the lower classes, the majority not being compelled by circumstances to be field laborers*, are too lazy to move. They frequently squat down all day in a sort of sullen apathy; they eat, and drink, and sleep, like the brute that perisheth; but all the more active impulses of their human nature appear to be as little excited as if they were totally wanting.'

"'It is a well-known fact, that all the towns and villages contain a large number of persons who have no ostensible means of earning their livelihood; the way in which they subsist is an enigma to themselves and others. Exposure to the night air is very prevalent among the lower classes. Under various excuses, they meet in numbers, frequently in the open air, or under temporary sheds, or at the performance of wakes over the dead, and also at their revels at john-canoeing, as it is termed, about Christmas time; on these or other occasions of the kind, they give full scope to animal enjoyment; and at the pitch of the excitement of the prevailing passions, their gestures and acts resemble more those of demons than of human beings.'"

This is a dark picture; and, admitting it to be true, as to certain localities, under the most unfavorable circumstances, it cannot be understood as presenting a full and fair representation. It presents the worst phase of things. If true as a general rule, while calculated to excite disgust, mingled with commiseration for such beastly ignorance, it carries with it the satisfactory admission that these benighted negroes are in no danger of starvation; and, indeed, the misfortune is that they find the means of livelihood so convenient to hand, that they are not stimulated to exertion. Mr. Benjamin's witness states that "*Among the lower classes, the majority not being compelled by circumstances to be field laborers, are too lazy to move,*" *&c.* A picture like this is calculated to awaken a missionary spirit among the more zealous friends of Christian civilization; and it may be very shocking to the nervous sensibilities of a political economist; but it is, after all, less distressing to the masses of men, North and South, than the pictures of suffering from cold and hunger in our large cities—including New Orleans.

Now look at Mr. Benjamin's picture of Cuban Slavery. He says:

"The continued supply of labor in Cuba by natural increase is impossible. It is a well-authenticated fact that its whole laboring population is exhausted in a single generation. Horrible as is the contemplation of such a fact, the evidence in support of it is irresistible. None of the writers on the population of Cuba fix the number of its creole (*id est*, native) negroes outside of Havana, at more than ten per cent., whilst a recent authority on the island, perfectly competent to judge, fixes it at only five per cent. We have, then, the fact that ninety to ninety-five per cent., of the slaves engaged in agriculture were imported Africans.

"Nor will this statement appear surprising, when we reflect on the fact that the importations of slaves are almost exclusively males, not over one in six or seven being females. The British reviewer, already quoted, thinks that the average working life of the imported slave is only seven years; but I prefer what is evidently more authentic, that is, the declaration of the Captain General of Cuba himself. In an address to the people of Cuba, urging on them a change of their system of labor, the Marquis of Pezuela laid stress on the fact that the present wealth in slaves was but transitory, inasmuch as it "perished in single generation." The statistics in the report of my colleague, startling in the extreme, prove this conclusion. They show that whilst the number of blacks, slave and free, in the United States, is now *twelve-fold the number imported from Africa*, there does not now exist in the West India islands *one-fourth of the number actually imported into those colonies.*"

This picture of Slavery excites the horror of even Mr. Benjamin. Think of the whole laboring population of a country being entirely consumed—that is to say, worked, starved, and whipped to death—in seven or ten years, and its place supplied by fresh importations from Africa, accompanied by all the horrors of that traffic! Can the human mind conceive of a more horrible state of things? Can human wickedness go farther? What are the ordinary crimes of society in comparison with this wholesale murder; and what are ordinary criminals in comparison with these Cuban planters? Transient murder, theft, violence, and fraud, sink into insignificance beside this fiendish society. Yet Mr. Benjamin grows eloquent in depicting the folly of the British Government in abolishing a similar state of things in Jamaica. He admits that Cuban Slavery is horrible, in that it destroys a whole race of men every seven years; but, at any rate, the island has been saved from the fate of Jamaica, in which the negroes obtain a subsistence with so much ease that they become lazy!

Mr. Benjamin affects to think that the slave trade would close if Cuba were annexed to our Union; and that the institution in that island, like that in the Southern States, would be perpetuated in the natural if not the legitimate way. But is there the shadow of a probability in this suggestion? It might have had some weight five or ten years ago; but since the utter failure of the Federal Government to prevent or punish the landing of cargoes of African slaves on our coast, it is calculated to excite a smile, rather than to impose on any one. The Washington *Union* has admitted that our Constitution and laws are a failure, so far as the punishment of slave-trading is concerned. And what would be their efficacy if Cuba were annexed? The Cubans for fifty years have been in the habit of violating the laws and treaties of Spain, England, and the United States; and is it probable that, with our Southern States to back them, they would flag in their gainful piracy? The man who can give credence to the suggestion of Mr. Benjamin, which is but the reiteration of the President's Message, must be as ignorant of the ways of the world as those candid and philanthropic gentlemen could desire. No. The annexation of Cuba, while Slavery lasts in that island, will be tantamount to the repeal of all laws against the slave trade; for, whether repealed or not, they will cease to be operative. The friends of the slave trade in this country well understand this matter, and hence their solicitude and hurry for the acquisition of Cuba. They understand their business; and if there be any sincere friend to the acquisition of Cuba with Slavery, who is not at the same time a friend to the revival of the slave trade, it is because he has failed to give ten minutes' reflection to the matter, or because he is incapable, from ignorance or dullness, of understanding the plainest proposition.

Whatever may be the tyranny of the Spanish Government over the white people of Cuba, it is certain that the Government is not the prompter and instigator of the planters in their horrible cruelty to the slaves, as described by Mr. Benjamin. The sin of the Government in the matter has been and is, that it tolerates, permits, and winks at, the flagrant outrages upon human nature by its white subjects of Cuba. The horrible barbarity which Mr. Benjamin describes is Cuban, not Spanish, barbarty. It is the crime of the Cubans themselves, for whom Mr. Benjamin attempts to awaken sympathy, and whom he is willing to usher into our Union of respectable free men.

It is said that there should be no disputing upon matters of taste; but it must excite surprise that an educated American, though a Jew and a slaveholder, should speak of these Cubans, who, according to his own account, have murdered whole generations of their fellow creatures, as patriots and friends of liberty. Mr. Benjamin does this, and calls for the interposition of the Federal Government to aid them in throwing off the yoke of Spanish despotism. Spain has a long catalogue of crimes to atone for, and one of the grestest of them is the failure to crush the infamous system of Slavery on the island of Cuba. We trust that she may yet redeem herself from infamy by the consummation of this righteous deed, and then we shall bid God speed to all lawful means of annexing the island to the Union.

DOUGLAS REBUKED BY DAVIS.

Mr. Douglas, in his extreme solicitude to reinstate himself in the confidence of the slaveholders, goes for every measure of Slavery Propagandism, however extravagant, unconstitutional, or corrupt, which the President, in his desperation, proposes. The Illinois Senator gives his whole soul to the thirty million bribe, and when the President demands the discretionary power of making war upon Mexico and Central America, Mr. Douglas expresses his hearty approbation of the measure, and proposes to concede the same power over Cuba. We were highly gratified to find Mr. Davis, of Mississippi, dissenting entirely from the reckless proposition, on the ground of its unconstitutionality as well as expediency. He said:

"Mr. Davis could not concur with the view taken by the Senator from Illinois. It might be very desirable to protect American citizens, but there was a higher and holier duty still, which was to preserve the Constitution unimpaired. He could not see to what limit we might not run, if the Executive should be invested with the power to send the land and naval forces abroad, and land troops wherever he may please. Whenever ambition or any other unworthy passion might prompt him, he might involve this country in a disastrous war with England or France, and we might, perhaps, behold the humiliating spectacle of the flag of the United States trodden under foot by a powerful nation, and the American Congress shrinking from its defence. Our fathers gave the Executive no such power; and if it was now necessary to go further than our fathers went, that fact only marks the decadence of the people. He would restrict the power to the single case that might be known to exist. He would prefer to bear such ills as arise from the improper treatment of our citizens abroad, and delay in obtaining justice, rather than surrender the great constitutional right of Congress to the discretion of the President."

DEPARTURE OF A SUPPOSED SLAVER.—*Mobile, Feb.* 17.—The barque Ottowa sailed from this port yesterday, ostensibly for St. Thomas, but it is believed her real destination is the southern coast of Africa.

A NEW SLAVERY ISSUE IN NORTH CAROLINA.

The Constitution of North Carolina provides that a capitation tax may be levied upon "all slaves over the age of twelve years and under the age of fifty years," and exempts by express words all others. The effect of this constitutional provision is to throw the burden of taxation upon real estate, and other personal property than slaves. So long as the taxes were light, the inequality was submitted to by the non-slaveholding class without a murmur. But, ten years ago, North Carolina entered upon a system of internal improvements, which, while it has undoubtedly enhanced the value of property, and added greatly to the prosperity of the people, has at the same time involved the State in debt, and made it necessary to increase the State taxes in a four or five-fold degree. The result is, that, in looking about for subjects of taxation, the more independent and sagacious minds have discovered a large and valuable species of property, wholly untaxed, worth, at present prices, some thirty millions of dollars.

Mr. Bledsoe, of Wake, a member of the Legislature, has introduced a bill to alter the Constitution, so as to make slaves subject to an *ad valorem tax*, in common with land and other property. Mr. B. is a young man of talent, and this proposition shows that he possesses a bold and enterprising turn of mind. We predict that the issue he presents will become popular. There is no earthly reason why the poor man should be compelled to pay taxes upon his unproductive and uncultivated patch of old field or woodland, or upon his young and unproductive stock of pigs, calves, colts, &c., to say nothing of his little household and kitchen furniture, while the wealthy slaveholder pays nothing upon his young and old negroes. In fact, negroes are valuable from the time they are seven years old; and from that time until they are twelve, they hire for good prices. And it is well known that negroes between fifty and sixty are little less valuable than at any time of life.

The census shows that, in 1850, there were 98,956 slaves in North Carolina under ten years old. Of ten, and under fifteen, there were 40,571. Taking three-fifths of these, we have those of ten, eleven, and twelve years, amounting to 24,342; and making, in all, 123,298 slaves of twelve years and under. The North Carolina Constitution exempts this vast property from taxation, as well as slaves of fifty years old and upwards, numbering 25,317. It is to be remarked that all except about five thousand of these last are under seventy years of age, and are required to perform the usual duties of "field hands."

The total number of slaves exempt from taxation is therefore 147,640, or more than half the whole number in the State.

At two hundred dollars a head, these slaves are worth $29,528,000. We think that we have not over-stated their value, and incline to think, on the contrary, that at *present* prices they are worth two hundred and fifty dollars per head.

Mr. Bledsoe proposes to make slaves taxable in proportion to their value, without reference to age or sex; and there can be no good reason urged why this should not take place. To oppose the change, the anti-reformers must virtually take and defend the position that slave property is entitled to peculiar privileges and exemptions—a position, it is true, which they have always occupied, but which never, until now, has been disputed.

The framers of the Constitution subjected slaves to a capitation tax, on the ground that they are persons only, and subjected them to a severer capitation or poll tax than the whites. But the modern Pro-Slavery creed is, that slaves, under the Constitution, are not persons, but "things personal," and hence, as mere property, there is no reason why they should not be subjected to the usual laws regulating the taxation of property. The Constitution of the State was originally framed in the year 1776, when slaves had little value, and the plan adopted was far less objectionable than it now is. White males between the ages of twenty-one and forty-five only were subjected to the capitation tax, while slaves of both sexes between twelve and fifty were made subject to it. Regarded as persons, this was evidently intended as a discrimination against the institution of Slavery, and was, perhaps, believed to be calculated to check the further introduction of slaves into the State; but regarded merely as property, the constitutional regulation operates as a discrimination in favor of that species of property; and in point of fact, such has always been its effect.

THE SLAVE TRADE.

Public opinion in all the Gulf States is gradually coming up to the support of the African slave trade. If the people of the older States are not wide awake, they will lose a great market for negroes; for the advocates of the foreign traffic in human flesh are not so silly as to hope for a repeal of the Federal laws against slave piracy. They intend to make dead letters of them. The Southern *Citizen* says:

"The Vicksburg *True Southron*, hitherto, we believe, adverse to us pirates, prints a part of Mr. Spratt's speech in the Legislature of South Carolina, in favor of repealing all penal laws against the slave trade, with this warmly-commendatory preface:

"'We think the attentive reader will agree with us in asserting that the concluding portion of the late speech of Mr. L. W. Spratt, on the foreign slave trade, before the Legislature of South Carolina, is unsurpassed in refined common sense and searching eloquence, by anything in the records of oratory. Will not all, at least, whose lot is cast among us listen to his earnest and friendly counsel?'"

The *Citizen* proposes a remedy for the high price of negroes. The editor says:

"We know a way to remedy that state of things. Advertise for a contract to land some forty thousand Africans at some point between Savannah and the Sabine river within twelve months. There will, of course, be a risk of capture by the philanthropic pirates; and some of the cargoes will be lost; but that is the whole risk; as for felony piracy, and hanging, that's all over."

The Port Gibson *Reveille* (Miss.) says:

"The press of South Carolina may be against 'the infringement of the law,' but it is not in our judgment against the slave trade as a traffic. We have, however, seen of late a change on the subject of some very able journals, but the change is, doubtless, no change at all, except of policy. Some men think it hopeless and vain to urge the revival of the slave trade; it may be so, but such a fold-your-hand conclusion, without an effort, never discovered America or made her free, or accomplished any other great purpose."

The Baton Rouge *Advocate*, speaking of a measure before the Legislature of Louisiana, says:

"It is generally understood that the famous 'African Apprentice Bill" of the last session is to be again brought before the Legislature. We are not advised as to the shape in which it is next to appear; but if it approach to a similarity of that defeated last year, in form or interest, it shall meet our most active opposition.

"If inexorable necessity demands the revival of the slave trade, let the South cut loose from the General Government, whose laws fetter her prosperity. Are the people of Lousiana ready to go this extent?"

MOUNT VERNON FAIR AT AUGUSTA, GA.—*Augusta, Ga., Feb.* 17.—The fair now being held in this city, to aid in the purchase of Mount Vernon, is very largely attended, and much enthusiasm prevails.

THIRTY-FIFTH CONGRESS,

Second Session.

Thursday, February 17, 1859.

SENATE.

Reports from Committees.—Mr. Hunter, from the Committee on Finance, reported back House bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1860, with sundry amendments.

Mr. Kennedy, from the Committee on the District of Columbia, to which was referred the memorial of the Baltimore and Ohio Railroad Company to extend their Washington branch road so as to form a close connection with the Southern and Southwestern lines, reported a bill to authorize the Baltimore and Ohio Railroad Company to extend the Washington branch of their railroad through a tunnel east of the Capitol to some point or points on the water from Third street east to Seventh street west, exclusive of the public grounds; also, from some point on the said road to a point or points opposite the city of Alexandria.

The Homestead Bill.—Mr. Wade moved to postpone all prior orders, and proceed to the consideration of the bill from the House of Representatives to secure homesteads to actual settlers on the public domain.

Mr. Reid thought it would be a waste of time to consider that subject, as the Senate passed its judgment on the proposition at the last session, and decided against it.

Mr. Shields hoped that the bill would be taken up, and a vote had upon it; its friends would not debate it.

Mr. Hunter replied, that a vote could not be had on that bill without debate.

The question being taken, the motion of Mr. Wade was agreed to, as follows:

Yeas—Messrs. Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Gwin, Hamlin, Hale, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Shields, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—26.

Nays—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce, Reid, Slidell, Toombs, and Ward—23.

The bill having been read—

Mr. Hunter moved to postpone it, in order to take up the consular and diplomatic appropriation bill.

The hour of twelve having arrived—

The President called up the unfinished business of yesterday—the Cuba bill.

Mr. Wade moved to postpone that bill, which was agreed to.

The question recurred on the motion of Mr. Hunter to take up the appropriation bill.

It was carried by the casting vote of the Vice President, the vote being as follows:

Yeas—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Pierce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—28.

Nays—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Houston, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—28.

Consular and Diplomatic Appropriation Bill.—The Senate accordingly proceeded to the further consideration of the bill making appropriations for consular and diplomatic expenses of Government for the year ending June 30, 1860.

Mr. Pugh proposed an amendment modifying our diplomatic and consular system.

Mr. Pugh explained the provisions of his amendment. Without coming to a decision on the question, the Senate resumed the consideration of the bill making appropriations to facilitate the acquisition of Cuba by negotiation.

Mr. Chandler addressed the Senate in opposition to the bill. With a bankrupt Treasury, with great national works in the Northwest going to decay, with a large and increasing national debt, this proposition to give the President thirty millions was startling. They had no money for internal improvements; none for a Pacific railroad. This thirty millions was not intended to buy Cuba, for that was known to be impossible; what, then, was proposed to be done with the money? It was to be a great corruption fund; a fund for bribery, and bribery only. It was a proposition worthy of its authors; worthy of the brigand who penned the Ostend manifesto, but unworthy a President of the United States, and disgraceful to be proposed to this Senate of the United States. Possibly an infinitesimally small portion of it was intended to corrupt Spanish officials, but the Democratic party was badly damaged in the North; its occupation of plunder was gone, for nothing was left to steal. A new issue was to be raised by this clap-trap proposition, to divert public attention from past wrong doings, past extravagances, and present reckless expenditures. It was a fallacious hope that this would save the party. Forty Cubas and three hundred millions of dollars for a corruption fund would not save the Democratic party from that total annihilation which God Almighty had decreed.

Mr. Polk advocated the Cuba bill, contending that the acquisition of Cuba would be advantageous to us, and at the same time not injurious to Cuba; that the proper method for its acquisition was by purchase; that this country has the ability to pay for it; and that the present is the fittest period to open and conduct the negotiations. He spoke of the natural advantages of Cuba, and contended that its command of the Gulf of Mexico, the control of which naturally belonged to this country, made its acquisition indispensable to the future prosperity of our commerce.

Mr. Collomer obtained the floor when

Mr. Seward moved that the Senate adjourn; which was disagreed to by a vote of yeas 14, nays 23.

The Senate resumed the consideration of the consular and diplomatic bill, but adjourned without action.

HOUSE.

The Army Appropriation Bill.—On motion of Mr. Phelps, of Missouri, after the adoption of a resolution closing general debate on the subject under consideration at three o'clock to-day, the House went into Committee of the Whole on the state of the Union, (Mr. John Cochrane, of New York, in the chair,) and proceeded to the consideration of the bill making appropriations for the support of the army for the year ending June 30, 1860.

The Expenses of the Government.—Mr. Davis, of Mississippi, defended the Administration and the Democratic party from the charge of extravagance in conducting the Government, replying chiefly to the speech of Mr. Garnett, of Virginia.

Sovereignty.—Mr. Granger, of New York, remarked that States were independent and sovereign within their limits in reference to all powers not delegated to the General Government. When protected by the Constitution thus far, they are sovereign against the world; as much so against the Government at Washington as against that at Paris, London, or St. Petersburgh. Of the extent of that sovereignty the States had the same right to judge that the General Government possessed to judge of its sovereignty. Thus far they were equal. He then quoted from the resolutions of 1798, to show that Mr. Jefferson had enunciated this doctrine, and the people of the United States sustained and upheld it in the great republican triumph of 1800. New York had promised to guaranty liberty to every person within her jurisdiction. If she maintained her promises, fulfilled her obligations as she ought to do, she would permit no power on earth to come within her borders and take a man back to be made a slave. Her Constitution had been made prior to that of the United States, and it promised safety and liberty to all within her jurisdiction, all of whom she claims allegiance. She had an undoubted right to do so before the formation of the Constitution of the United States, and she had never relinquished that right nor surrendered that power. He then entered into a general argument against Slavery, condemning the Dred Scott decision of the Supreme Court.

Duties of the Committees.—Mr. Letcher, of Virginia, alluding to the arguments that had been made upon the expenditures of the General Government, the charge of extravagance on the part of the Administration, and the want of economy in Congress, contended that the burden of responsibility rested not only upon him and his party, but on the opposition as well. He maintained that, if certain committees charged with specific duties held their regular meetings and discharged the duties prescribed for them, there would never be any question in regard to retrenchment and reform. It was the duty of the Committee on Public Expenditures to examine into the state of the several Departments, look not only to the expenditures of both Houses, but the expenditures at the other end of the avenue, and report whether or not they were made in pursuance of law.

Debate on the Army Bill.—Mr. Phelps, of Missouri, then proceeded to explain the provisions of the army appropriation bill in detail, showing that the increased amount of appropriation required for the expenses of the War Department was all necessary for the support of the army. Large public works and buildings were in process of construction, under the direction of the Secretary of War, that had not been commenced years ago, and hence the comparison of the amount required for maintaining the military branch of the Government at the present time with that needed at former periods was most unfair and unjust. Even the army itself had increased from fifteen regiments—three of them mounted—to nineteen, five of which were mounted and in the field.

The bill was further debated, and the House then adjourned.

Friday, February 18, 1859.

SENATE.

Private Bills.—On motion by Mr. Iverson, the Senate proceeded to the consideration of those bills of the House of Representatives upon the private calendar to which no objection should be made. The following were severally read a third time, and passed:

Act to authorize the claimants in right of John Huertas to enter certain lands in Florida.

Act for the relief of Leonard Loomis.

Act for the relief of John F. Cannon.

Act for the relief of Francis Carver.

Act for the relief of Robinson Gammon.

Act for the relief of Frederick Smith.

Act for the relief of David Watson.

Act for the relief of the representatives of Henry King, deceased.

Protection to the Transit Routes.—A message was received from the President of the United States, asking authority to use the army and navy of the United States for the protection of American citizens and interests in the Central and South American States.

Mr. Benjamin said there was a bill now on the calendar authorizing the President of the United States to use the public forces of the United States in the cases therein specified, and he preferred to take up that bill at once, and act upon it. He was unwilling that any responsibility should rest upon him, if, during the recess of Congress, it should turn out that, notwithstanding these repeated calls of the President, (which seem to suggest that he has information that makes him fear an attack upon the persons or property of American citizens employed in peaceful passge over that transit,) these threatened evils should overtake us. He moved that all prior orders be postponed, and that bill taken up.

Mr. Seward objected to giving the President power to make war without first obtaining the assent of Congress; and the passage of this bill would transfer to him the power of making war and preserving peace.

Mr. Fessenden said that last year we gave the President power to send the naval forces against Paraguay. Having succeeded in getting that power, the President now asks to have power granted him to make war or commence hostilities against other nations. The principle is the same with these small Powers as if they were large ones; and he did not choose to divest Congress of the power placed in its hands by the Constitution.

Mr. Douglas was rejoiced that the President had called the attention of Congress to this matter. He believed the President ought to have the that power he asks. We have such interests that we ought to have and must have the highway to our Pacific possessions kept constantly open. In order to do that, we must necessarily repose confidence in the Executive, for, unless we put this power in his hands, we fail to accomplish the objects contemplated by the Constitution. Mr. D. proceeded to say that he would not confer this power for a single case, but for all cases—for the present Executive and his successors, no matter what their politics might be.

Mr. Davis could not concur with the view taken by the Senator from Illinois. It might be very desirable to protect American citizens, but there was a higher and a holier duty still, which was to preserve the Constitution unimpaired. He could not see to what limit we might not run, if the Executive should be invested with the power to send the land and naval forces abroad, and land troops wherever he may please. Whenever ambition or any other unworthy passion might prompt him, he might involve this country in a disastrous war with England or France, and we might perhaps behold the humiliating spectacle of the flag of the United States trodden under foot by a powerful nation, and the American Congress shrinking from its defence. Our fathers gave the Executive no such power; and if it was now necessary to go further than our fathers went, that fact only marks the decadence of the people. He would restrict the power to the single case that might be known to exist. He would prefer to bear such ills as arise from the improper treatment of our citizens abroad, and delay in obtaining justice, rather than surrender the great constitutional right of Congress to the discretion of the President.

Mr. Green obtained the floor, but yielded to a motion for adjournment; and

The Senate adjourned.

HOUSE.

The Army Appropriation Bill.—On motion of Mr. Phelps, of Missouri, the House then went into Committee of the Whole on the state of the Union, (Mr. John Cochrane, of New York, in the chair,) and resumed the consideration of the bill making appropriations for the support of the army for the year ending June 30, 1860.

The Recruiting Service.—The pending question being the amendment of Mr. Faulkner, of Virginia, to reduce the appropriation of one hundred thousand dollars for the recruiting service to ninety thousand dollars, it was taken, and decided in the negative.

The question recurring on the motion of Mr. Stanton, of Ohio, to strike out the whole appropriation, it was decided in the negative.

Brevet Compensation.—Mr. Faulkner moved that the appropriation for the pay of the army be reduced thirteen thousand dollars, for the purpose of cutting off the pay and emoluments attached to the brevet rank.

Rejected—yeas 45, nays 80.

Extra Rations.—Mr. Faulkner then moved to reduce the appropriation of $98,434.50 for commutation of officers' subsistence in the sum of $60,000, being the amount required for extra rations to those in command of extra posts.

Mr. Stanton, of Ohio, moved to amend the amendment by adding to the item, "and the sum of $60,000, which is taken from the amount estimated for the commutation of officers' subsistence, shall be deducted from the extra rations allowed to commandants of military posts."

Mr. Faulkner accepted the amendment as a modification of his own; which was then agreed to.

Reduction in Horses.—Mr. Faulkner next moved to reduce the appropriation of $1,840,000 for supplies in the Quartermaster's Department, in the sum of $400,000, for the purpose of reducing the number of horses in that department, by refusing to appropriate a sufficient sum for their forage; which was agreed to.

Reduction in Laborers.—Mr. Faulkner also moved to reduce the appropriation of $500,000, for the incidental expenses of the Quartermaster's department, to $450,000, for the purpose of reducing the number of laborers employed in that department.

Mr. Pendleton, of Ohio, moved to amend the amendment by adding the words, "and the amount shall be deducted from the amount estimated for the pay of laborers in the Quartermaster's department.

Mr. Faulkner accepted the amendment as a modification of his own; which was then adopted.

Another Investigating Committee.—Mr. Nichols, of Ohio, stating that he rose to a question of privilege, offered the following resolution:

Whereas in the correspondence of the *New York Daily Times*, signed S., under date of the 15th February, 1859, as also in the correspondence of other papers, it is charged that a member of the Committee on Accounts of this House made a bargain to receive money as a consideration for passing certain claims in said committee, &c.,

Resolved, That a committee of five members be appointed by the Speaker, to investigate said charge or charges, said committee to report before the close of the present session of Congress.

Mr. Nichols, stating that it was due to the House that the subject should be thoroughly sifted, demanded the previous question.

The previous question being sustained, the resolution was then agreed to. Adjourned.

Saturday, February 19, 1859.

SENATE.

Pension Bill.—Mr. Clay, from the Committee on Pensions, to which was referred the bill from the House of Representatives granting pensions to the officers and soldiers of the war with Great Britain of 1812, and those engaged in Indian wars during that period, submitted an elaborate report on the subject; which was read.

[The committee think this bill inexpedient and unwise, whether considered in relation to those who must bear its burdens in taxation or may enjoy its bounties in pensions; they therefore recommend that the Senate should not pass the bill.]

Mr. Seward objected to the present consideration of the report, and moved that it be printed, together with the communication of the Secretary of the Interior; which was agreed to.

Hour of Meeting.—Mr. Stuart called up his resolution changing the hour of meeting from 11 to 12 o'clock, until otherwise ordered.

Mr. Slidell moved to amend it, by adding, that the Senate shall take a recess, daily, from half past 4 until 7 o'clock.

The amendment was not agreed to, and the resolution was adopted.

The War Power.—Mr. Mason said he felt it his duty, in view of the special message received from the President yesterday, to call up the motion to consider the bill to authorize the President of the United States to use the public forces of the United States in the cases therein specified.

Mr. Doolittle would feel it his duty, if this bill should be taken up, to express his views, and to express them fully, upon the important questions involved in that bill.

Mr. Toombs saw no new and sudden exigency calling for precipitate action on this subject. The President had called attention to it at the opening of the session, and his special message only repeated now his previous recommendations. He presumed that Congress knew how to discharge its duties, and intended to discharge them; and he preferred to go on with the regular business.

Mr. Mason said this bill had been on the calendar a long time, and in the regular order of business it would not be reached this session.

Mr. Bayard considered the question one of great importance, but was not willing to have it interfere with the regular course of business.

Mr. Johnson, of Tennessee, said the message communicated no recent outrage; nothing which they were not already aware of. The President said, in his message, that he could not legitimately resort to force, without the authority of Congress; and yet, if a sudden emergency should arise, he would take the responsibility of ordering a force to the spot. These transit routes were therefore, in fact, within the protection of the Executive, and there was no necessity for urging this bill. There were other bills, among them the homestead bill, which he regarded fully as important as any bill to enable the Executive to make war.

Mr. Shields regarded this as the most important matter which could come before the Senate; but they had already the Cuba bill and the appropriation bill, and he was opposed to calling up this third measure, and have them all jostling each other in the struggle for precedence, from day to day. He was opposed, also, to transferring such a power as this from Congress to the Executive.

The motion to take up the bill was not agreed to, as follows:

Yeas—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Chesnut, Davis, Douglas, Fitch, Fitzpatrick, Green Gwin, Houston, Iverson, Jones, Lane, Mason, Polk, Pugh, Reid, Rice, Slidell, Smith, Stuart, and Ward—25.

Nays—Messrs. Bayard, Bell, Bright, Broderick, Chandler, Clark, Clay, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Hamlin, Hammond, Harlan, Hunter, Johnson of Tennessee, Kennedy, King, Mallory, Pearce, Seward, Shields, Simmons, Toombs, Trumbull, Wade, Wilson, and Yulee—31.

The Homestead Bill.—Mr. Wade moved to take up the homestead bill. This, he said, was a measure which would not consume time, as it had been thoroughly discussed, and was fully understood.

Not agreed to, as follows:

Yeas—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—24.

Nays—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—31.

Consular and Diplomatic Bill.—The consular and diplomatic appropriation bill was then brought up for consideration, and debated on several amendments proposing a modification of our present diplomatic representation. The bill was finally so amended in this respect as to provide that no foreign diplomatic agents other than those specified in the bill shall receive compensation during the year. Some other amendments were made, and the bill was passed.

While the above bill was under consideration, Mr. Slidell made an unsuccessful attempt to take up the Cuba bill—yeas 5, nays 46.

HOUSE.

A committee of conference was appointed, to meet one from the Senate, on the disagreeing votes of the two Houses on the Indian appropriation bill.

The army appropriation bill was further considered in Committee of the Whole, and an amendment offered by Mr. Faulkner, and modified by Mr. Pendleton, was adopted, reducing the appropriation for the construction of barracks, &c. Mr. Phelps, of Missouri, made an ineffectual motion to strike out the item of $700,000 for the construction of barracks, &c. On motion of Mr. Marshall, of Kentucky, a proviso was adopted restricting army officers, when acting as disbursing agents, on the pain of dismissal, from using the public credit in advance of appropriations, unless under an order from the President of the United States, and the mileage allowance to officers was reduced to five cents a mile. On Mr. Faulkner's motion, the item for army transportation was reduced from $3,490,000 to $3,000,000. Mr. F. made an ineffectual motion to increase the appropriation for the manufacture of arms from $250,000 to $400,000, the amount originally estimated for. The items for repairs and improvements and new machinery at the armories were stricken out.

After considering various other amendments, the bill was reported from the Committee, and the House adjourned.

Monday, February 21, 1859.

SENATE.

A resolution was offered by Mr. Bell, calling on the President of the United States, in the usual form, for copies of all correspondence had during the years 1854 and 1855, between Mr. Horatio J. Perry, Secretary of Legation at Madrid, and Mr. Marcy, our Secretary of State, together with a copy of any overture made by the Spanish Minister for Foreign Affairs for the negotiation of an advantageous commercial treaty, such as is described by Mr. Perry, in his letter addressed to President Pierce.

Mr. Mason objected to the immediate passage of the resolution, and asked that it should lie over for consideration under the rule of the Senate.

The bill making appropriations for the support of the army for the year ending the 30th June, 1860, was received from the House, and referred to the Committee on Finance.

On motion by Mr. Hunter, the Senate resumed the consideration of the bill making appropriations for consular and diplomatic expenses.

The question pending was on the motion of Mr. Simmons to reconsider the vote by which the bill was passed.

The motion was agreed to, and also the vote by which it was ordered to be engrossed for a third reading.

Mr. Simmons moved to amend the bill by adding a proviso to the first section, that the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act, shall be computed in the legal currency of the United States, and in no case shall there be any allowance to any officer upon any draft drawn by him for his salary.

Mr. Hale offered an amendment, providing that foreign ministers, consuls, &c., shall be paid in the countries to which they are accredited.

Mr. Simmons accepted the amendment as a modification of his own; which was then rejected—yeas 24, nays 33.

On motion by Mr. Slidell, the bill was further amended by adding to the section restricting expenditures to the objects specified in the bill (Mr. Hunter's amendment) the following:

Provided, That nothing in this act shall be construed to interfere with the disbursement of the appropriation for the contingent expenses of foreign intercourse at the disposition of the President.

The bill was then passed—yeas 35, nays 23.

On motion by Mr. Slidell, the Senate then proceeded to the further consideration of the bill making appropriations to facilitate the acquisition of Cuba by negotiation.

Mr. Mason proposed the following as a substitute for the bill, and it was ordered to be printed:

Resolved, &c., That Congress fully approves the policy in the message of the President respecting the propriety and ultimate necessity of acquiring the island of Cuba by the United States. That, whilst refraining at this time from any committal as to future measures which circumstances, whether affecting the peaceful relations of the two countries or the safety of the United States, may render necessary, it is deemed sufficient at present only to declare that whenever it shall seem fit to Spain to transfer the island, the United States will be prepared to receive it on terms that shall be just and equitable to both countries, and for a fair equivalent. And that, because of the position of Cuba in the Gulf of Mexico, and more especially because of its proximity to the coast of the United States, this Government can never remain neutral under any European or other policy which should separate Cuba from the dominion of Spain in favor of any foreign Power.

Mr. Collamer addressed the Senate in opposition to the bill. Heretofore all our statesmen had concurred in the announcement that so long as Cuba remained in the hands of Spain, we had no reason for apprehension. Now it is proposed to establish a new doctrine, founded on an alleged law of growth represented to be imperative on "great nations" like England, France, Russia, and the United States. The example of monarchical aggression and conquest is held up as the justification of a similar policy to be pursued by our country. Should Congress endorse the maxims of this policy, as the same are inaugurated by the present bill? For himself, he was opposed to the theory that territorial extension was a necessary source of national strength, or a convincing proof of national vitality. The British nation was strengthened by its colonial system; but such a system could not be constitutionally or profitably engrafted on our Government. All segregated possessions necessitate for their support and retention a large standing army and navy. Are we willing to enter upon a policy which will compel us to greatly enlarge our military and naval expenditures? Hitherto we have annexed only such territories as joined our own, and were deemed to be capable of Americanization. But Cuba is not contiguous to our limits, is already occupied, and therefore not open to the influx of our citizens, with their civil institutions and social habits. In point of military strategy, the island of Cuba could be held against a great naval Power only on the condition of our possessing a still stronger naval force. The people, moreover, are fitted for annexation neither by their possession of civil institutions nor by their acquiescence in the principles of religious liberty.

The pending bill, if adopted, would have for its inevitable effect, in Mr. Collamer's judgment, to raise into new prominence two subjects of long standing and sometimes acrimonious controversy. He alluded to Slavery and the influx of foreigners into our country. If the Northern people were properly opposed to the repeal of our laws against the foreign slave trade, how could they be expected to acquiesce in a measure which virtually repealed those laws by importing half a million of slaves into this country by a single act? And if Virginia and other Southern States were troubled by their free black population, what should we do with the two hundred thousand of that class in Cuba? Or if patriotic citizens were sometimes alarmed by the infusion of the foreign element in our civil system, what should be thought of a proposition which imports and naturalizes five hundred thousand foreigners in a single day?

But it is said that the annexation of Cuba will put an end to the slave trade. This was an illusory promise—as illusory as the promises made at the time Texas was added to the Union. If, with the vigilant guard kept up by England and the United States, more than ten thousand slaves were annually smuggled into Cuba, might we not rather expect an increased importation to result from the partial or total relaxation of the surveillance now exercised over the foreign slave traffic, especially as the inducement for their importation would be enhanced when the price of slaves in that island should have advanced from the present rate to the average value of slaves in our country? If, when slaves in Cuba were worth $500 per head, ten thousand were annually smuggled into the island, how many would be surreptitiously imported when their value had risen to $1,000 per head?

Mr. Mallory advocated the bill. He did not approach this subject with any spirit of sectionalism, and did not wish to see Cuba annexed merely for the sake of restoring some fancied equilibrium. This was not an idle discussion. If the bill should only pass the Senate, it would give Spain to see that there was a destiny in the future progress of this country, to which she must submit. Cuba, he admitted, was not now for sale, for money, and the disinclination of Spain to sell the island was increasing every year. We were farther from acquiring the island to-day, than we were twenty years ago. Nevertheless, he believed that considerations could be brought to bear upon Spain, which would induce her to part with Cuba upon fair terms. The views of the President, expressed in his message, were calculated to expedite the matter. He contended that the acquisition of Cuba was a necessary consequence of the acquisition of Louisiana and Florida. The great statesmen of the nation had foreseen that the possession of that island would ultimately become a necessity, and Calhoun himself had really advocated the policy of acquisition.

This country was abundantly able to purchase Cuba. The people of that island could alone pay a large portion of the purchase money. He compared the Gulf of Mexico to a demijohn upon its side, the neck being the narrow strait between Florida and Cuba. Six war steamers could completely block up the neck, effectually hemming in our vast Gulf commerce. Such a position as this could not be overlooked. Britain had planted her cannon on every available rock around the Gulf. The declarations of statesmen, to the effect that this Government is content that Cuba shall remain in the hands of Spain, were all uttered in the days of our national weakness, and of Spain's strength; the case is now entirely different. If Spain were to lose Cuba, she would fall from her high position at once; and England and France seek to maintain her in the possession of the island, solely from motives of hostility to this country.

He counselled speedy action on the subject of Cuba, because he believed there was a deliberate intention on the part of Spain to turn Cuba into a second San Domingo; in other words, to liberate every slave imported since 1818. He appealed to Senators to save Cuba from such a fate.

Mr. Fessenden inquired if the Senator would accept of Cuba if Slavery were abolished?

Mr. Mallory replied that he would not. The effect of emancipation would be a general massacre, which would last ten or fifteen years; and we should then be obliged to take the island by force. He spoke of the Spanish Government over Cuba, as the most despotic and tyrannical in the world. The law was merely the will and caprice of the Captain General. The people of Cuba merited our respect, and our confidence and support. He spoke of the corruption of the Cuban officials, the tyranny to which the people are subjected, and their thirst for liberty. He believed that not a creole could be found on the island but was ready to fight for liberty.

Mr. Mallory here gave way for a motion to adjourn.

Mr. Brown gave notice that if he could get the the floor to-morrow he intended to say a few words, addressed especially to the Northern Democrats, whom he particularly requested to be present.

Mr. Kennedy said he desired to be heard on this question, and was prepared to go on at any time.

The Senate then adjourned.

HOUSE

The army appropriation bill was passed by a vote of 116 to 93, most of the amendments made in Committee having been concurred in.

The motion of Mr. Phillips, of Pennsylvania, (pending from last Monday,) to suspend the rules, to allow him to introduce a bill to provide for the payment of outstanding Treasury notes, authorizing a new loan, and regulating the duties on imports, came up as the first business in order. The bill having been read, the motion to suspend was not sustained by a two-thirds vote, the count being 122 to 91. The bill proposes specific duties on most of the articles named in the several schedules.

Mr. Millson made an ineffectual motion to suspend the rules, to enable him to report a bill repealing the act granting fishing bounties—yeas 104, nays 104.

The House then resumed, in Committee of the Whole, the consideration of the Post Office appropriation bill. Some progress was made in the way of amendments, when the Committee rose, and a resolution was adopted for an evening session. Resuming its labor in Committee, the House took a recess until seven o'clock.

The night session was occupied in discussion of the topics embraced in the President's Annual Message.

WASHINGTON ITEMS.

Census of Kansas.—The Committee of Ways and Means have authorized the chairman to report a bill providing for the taking of the census in Kansas, and against a branch mint in the city of New York.

The select committee to investigate the alleged corruption in connection with the House Committee on Accounts, consists of Messrs. Nichols, Winslow, Eustis, Whitely, and Clark B. Cochrane.

Treaty with Yancton Indians.—By the treaty recently ratified between the United States and the Dacotah band of Yancton Indians, this Government obtains about ten millions of acres of land. The Indians are to be settled on a tribal reserve, and are to have lands in severalty. Instead of giving them large sums of money, as has been the case with other Indians, they are to be provided with schools, farms, houses, agricultural implements, and other means of civilization.

Expedition to Africa.—Messrs. Campbell and Purnell, members of a party commissioned by the colored people of the North to proceed to Africa to make selection of a location for a settlement, are in this city, soliciting aid for the enterprise. These persons bring with them highly flattering testimonials from men of position in New York and Philadelphia. It is to be hoped that they will meet with a patient hearing and liberal aid, since their movement is one of great importance to their race.—*National Intelligencer.*

The receipts of the Treasury last week were one million five hundred and eighty-six thousand dollars. The amount on deposit is nine million three hundred and twelve thousand dollars. Net balance, four million eight hundred and seven thousand dollars.

FOREIGN SUMMARY.

The Newest Features of the War Question.—From our foreign files by the America, at Boston, we perceive that the continental question is still one of complication and incertitude, and the accounts do not enable us to form a judgment as to the probable solution. Peace prospects and indications of hostilities alternately sway the balance of opinion.

The Propositions of England to Austria.—We find in the Paris correspondence of the *Independance*, of Brussels, an amplification of the rumor of the propositions made to Austria, by the British Government. From the statements of the writer it would appear that England is desirous to prevent anything that might cause a European war, considering the sacrifices she is obliged to make in order to pacify India. England, therefore, has proposed to France, who accepts, to declare to Austria that she wishes the offers made in 1848 to the Cabinet of Lord Palmerston to be considered as not having been withdrawn. Not only France but Russia supports this proposition. The offers referred to as having been made by Austria in 1848 were substantially that the administration of the Lombardo-Venetian Kingdom should be entirely separated from that of Austria; that these provinces should remain united; and that a government founded upon constitutional principles should be given to them.

If Austria accepts purely and simply the proposition, there will be no war; and all inquietude about events in the coming spring may cease. It is true, writes a correspondent, that Austria may not readily be brought to renounce the possession of her rich Italian provinces; but in presence of an agreement between the other Powers, which is rapidly becoming unanimous, the Court of Vienna will seriously reflect before entering on a war in which she will have France and Piedmont for adversaries, with the assent of Europe on their side. The French army, fighting for the establishment in Italy of an order of things more in harmony with the wants and wishes of its inhabitants, would not cross the Alps but with the approbation and assent of Russia and England. In that case, the war would be confined to Italy, and would have a specific object arranged beforehand. The *Daily News*, observing on the statement in the *Independance*, is not disposed to believe the consent of Austria will easily be obtained to any discussion of the terms on which her Italian dominions should be relinquished, and less than this would not satisfy the eager expectations now aroused in Italy by the attitude of championship which Victor Emanuel, confident in the support of his powerful ally, has assumed.

Various Rumors.—We hear of political arrests at Milan, but details are wanting. A Berlin letter says, it is fully confirmed that fresh negotiations have been opened respecting the Danube navigation question. It adds, that the Governments of France, Russia, and England, had addressed identical communications to the Cabinet of Vienna, pressing for the speedy regulation of the matter. A revolution is, we are told, impending in the free city of Hamburg—the heads of the first families having met to determine on a complete revision of the Government.

The Position of Austria and France.—We have felt it our duty, from time to time, to protest to the utmost of our power against the attitude which France has, since the beginning of the year, seen fit to assume in reference to Italy. We have pointed out how futile were the pretexts on which she thought fit to throw all Europe into confusion, to arrest the course of industry, and to threaten us, it may be too truly, with the calamities of a causeless and bloody war. We have shown that, at least so far as France is concerned, there is no just cause of offence against Austria. * * *

Now, there is one part of the conduct of Austria which it is impossible to regard without serious disapprobation. It is perfectly notorious that the Emperor of the French feels a sincere anxiety for some improvement in the government of the Papal States—an anxiety which, during the last year, has been much quickened by the apprehension of a second attempt similar to the desperate enterprise of Orsini. The Emperor of the French has been caught in his own trap. He occupies Rome, but his occupation gives him no power of control over the Government, because the Pope is in no degree moved by the threat of abandoning him to the mercies of his justly-incensed subjects, well knowing that if the French should withdraw from one side of his capital, the Austrians would enter it on another. Thus the Emperor of the French is placed in the painful position of being responsible for misgovernment he cannot control, and appearing to support by armed force injustice which he is unable to prevent. We cannot say that this is an unjust retribution for the original seizure of Rome, and it is not unnatural that Austria should enjoy the embarrassment arising from a step taken avowedly for the purpose of counterminig her influence. The entertainment is, however, a dangerous one. France is in a position in Rome which she can neither maintain with honor nor retreat from with safety, unless assisted by the good offices of Austria. It is Austria alone which stands between the Roman people and the improvement of their Government. If she joined France in her remonstrances, they must be immediately attended to, for the Pope well knows that, unless supported by some external Power, his reign would be of very short duration.—*London Times, Jan.* 20.

The Princess Frederick William.—The *London Star* says, the Princess Frederick William and the new-born Prince are doing well, and adds: "Exactly twelve months ago, the newspapers were filled with the accounts of the marriage of the Princess Royal of England. That marriage, as will be remembered, took place on the 25th of January; and it is on the 27th of the following January that her Royal Highness becomes a mother."

Progress in Russia.—It is stated that the Count de Cy, a Russian nobleman, has been deprived of his rank and decorations, prohibited from holding any public office, and condemned to a heavy fine, for ill-treating an upholsterer.

It is not at all probable that a Russian nobleman would be permitted to shoot a schoolmaster with impunity.

Later from Havana.—*New York, Feb.* 20. The steamer Black Warrior, from Havana, with dates to the 15th inst., went ashore this morning on Rockaway bar, whilst in charge of a pilot. The passengers and mails were brought to this city this evening in a pilot boat. The steamer is tight, and has $280,000 in specie on board, and a valuable cargo. Three tugs have gone to her assistance.

She brings no political news of interest. Sugar was brisk, and holders were firm at ten rials for No. 12.

Later from Hayti.—*Holmes's Hole, Feb.* 18. The schooner Abbie Frost, from Jacmel, January 30, arrived here this afternoon, and reports affairs at that place all quiet. The excitement attending the revolution had passed away, and business had revived to its former briskness. Coffee was coming in freely from the coast and the interior.

The most enthusiastic demonstrations followed the abdication of the Emperor Soulouque.

The Governor of Jacmel, one of Soulouque's officials, had been deposed.

The new Government repealed the exorbitant export duty on coffee, which is no less than one-fourth of the whole quantity shipped. An examination of the finances, however, obliged it to restore the old duty, to the serious disappointment of the merchants, who were certain of its repeal.

British Subsidy to Galway Steamers—Atlantic Cable.—*St. John's, N. F., Feb.* 19.—The tenor of private advices, received per Prince Albert, render it certain that the British Government will grant a subsidy of one hundred and fifty thousand pounds to the Galway Steamer Company.

Mr. Henley, chief electrician of the Atlantic Cable Company, has arrived here, with batteries and instruments, to commence operations with them on this end of the cable.

News from Paraguay.—The latest advices from South America are dated at Montevideo on the 20th, and at Buenos Ayres on the 30th, of December. The frigate Sabine, flag ship of the Paraguay fleet, with the steamers Harriet Lane, Water Witch, Fulton, and storeship Supply, arrived in the river Plata on the 20th of that month. Commissioner Bowlin was preparing to go up to Asuncion in the Fulton. If prevented, hostilities would ensue; but the general impression was, that Lopez would arrange all differences with him, amicably. The report received by the Prince Albert, that the Brazilian authorities had offered to mediate between the United States and Paraguay, and that the offer had been accepted, is said to be a hoax. Neither the commander of our squadron nor the commission sent out to Paraguay have authority to accept the mediatory services of any Powers whatever.

DOMESTIC SUMMARY.

Decrease of Slaves in Missouri.—A late number of the St. Louis *Christian Advocate*, in referring to the change that is constantly going on in Missouri as regards the relative proportion between the white and colored population, says that scarcely a week passes away without witnessing the emigration of hundreds of slaves to the South.

One of the causes set down for this emigration, or driving, rather, of slaves to the South, is a general conviction that white labor is more profitable in Missouri than slave labor.

Another cause mentioned by the *Advocate*, for the decrease of slaves, is the insecurity of that species of property. The stampedes of slaves are of frequently occurrence. The St. Louis papers are filled with advertisements of runaway slaves, with accompanying rewards for their recovery.

The *Advocate* points to the deep, firm, settled, and absolute conviction that Missouri is speedily destined to be a free State, as the most potent cause of the rapid decrease of slaves.

Completion of the Hannibal and St. Joseph Railroad.—We learn, by way of St. Louis, that the last rail on the above road was laid down on Saturday last, and that the cars will probably commence running over the entire distance to-day. The completion of this road will entirely change the line of travel between this city and the Missouri river. Instead of going by the roundabout way of St. Louis, travellers will pass over the Chicago, Burlington, and Quincy road, to the latter place; thence twenty miles by steamer to Hannibal, and then by the Hannibal and St. Joseph railroad to the Missouri. The entire distance from Chicago to St. Joseph will be made in about twenty-six hours, being a saving in time of from three to four days over the St. Louis route. A large portion of the emigration to Pike's Peak will doubtless pass over this road.

Sale of Slaves, &c.—On Saturday last, New Year's day, the following sales of slaves were made at this place, by Mr. L. B. Offutt, auctioneer, viz: Twelve slaves, belonging to the estate of the late James Branham: Wyatt, 40 years old, at $920; Austin, 34 years old, and crippled, at $113; Green, 32 years old, at $1,300; Owen, 30 years old, at $790; Ann, 29 years old, and child, at $1,040; Edward, 20 years old, at $1,550; Sandford, 13 years old, and scrofulous, at $530; David, 10 years old, at $900; Maria, 9 years old, at $820; Sallie, 7 years old, at $511; Augustus, 40 years old, at $1,005; Jack, 75 years old, at $8.

Also, 32 acres of land, belonging to the same estate, were sold at $40.35 per acre.

Also the following slaves belonging to the estate of the late R. F. Ford: Simon, 19 years old, at $1,500; Obe, 24 years old, at $1,450; Vira, 33 years old, at $1,190; George Ann, 16 years old, at $1,141; Susan, 11 years old, at $1,010; Norah, 10 years old, at $815; Jane, 9 years old, at $855; Isaac, 5 years old, at $430; Tom, 2 years old, at $200; Margaret, 26 years old, at $775; Henry, 10 years old, at $526; Edward, 8 years old, at $760.—*Georgetown Journal.*

General Walker.—The Mobile papers announce, in grandiloquent terms, General Walker's public reception into the bosom of the Catholic Church in the Cathedral of Mobile. The General was educated as a Presbyterian. The Mobile *Mercury*, describing the gorgeous ceremonial of the Mass, goes into raptures, as follows:

"But the most striking feature of the scene was General Walker himself—the hero of many fields, the statesman and law giver—kneeling there with the humility of a child, and listening to the instructions of those to whom, it is claimed, God has committed the authority of his Church and the dispensation of his Gospel."

Oh!

John H. Story, a Locofoco editor in Minnesota, was personally punished the other day for a libel on a brother editor. There are two sides to every Story, and one of John's has been kicked.—*Prentice.*

Cotton Factories in Maryland.—The Baltimore *Price Current* furnishes a table of the cotton factories in Maryland, showing the daily consumption of raw cotton to be nearly fifty thousand pounds, of the value of over six thousand dollars—operating 67,500 spindles, and 1,737 looms. The large amount of cotton-duck, and other heavy goods made, explains the paucity of looms. It adds:

"The capital invested in these various properties is about three millions of dollars, and the value of their *annual* product, at present price of manufactured goods, is about three and a half million dollars. Nine of these properties are corporations—the balance of them belonging to individuals.

"During the last five years, the manufacturing interests of the country have been much depressed, and the condition of the Maryland factories are not excepted. In 1857, owing to the high price of cotton, and the unremunerating price of manufactured goods, many mills were obliged to work short time, and otherwise curtail their expenditures, and some, from necessity, had to stop their machinery entirely. Our mills are again, however, at work, though not to their full capacity, excepting the Savage, Oakland, Powhatan, and Pocahontas factories, whose machinery is still idle."

Atlantic and Great Western Railroad.—The following is from a letter in the London *Times*:

"The survey of the Atlantic and great western line, which is intended to complete a new and unbroken broad gauge route from New York to St. Louis, by the construction of a link of three hundred and seventy-eight miles between the New York and Erie and western roads, had been completed by Mr. Kennard, of London, and very favorably reported upon. There are two other routes to the West, both of which pay largely, although they have disadvantages of elevation, and of interruption of gauge, from which the new line will be free. The opposition to its construction has therefore been severe, but the statements brought against it do not appear to have been borne out."

A gas-illuminated car went through from New York by the midnight train on Wednesday night over the Worcester route. During the nine hours occupied in the trip, only ten cents worth of gas was consumed, and the car was lighted up as brilliantly as a parlor. It was deemed by the passengers to be a luxurious improvement, altogether worthy of general adoption for the benefit of the travelling public. The gas metre, holding the required quantity of the subtle fluid, is placed underneath the car, from which pipes supply a jet at either end of the interior.

Floods in the West.—*Cincinnati, Feb.* 20. Incessant rains occurred throughout the West last week, causing a great flood in the Ohio river. There is now fifty-three feet of water in the channel, and the water is still rising at the rate of a foot every hour.

Cincinnati, Feb. 21, P. M.—The river now has a height of about fifty-five feet, and is stationary. No train has left here on the Ohio and Mississippi road to-day. Passengers are taken to Aurora by boat.

Iron Vessels of War.—*Philadelphia, Feb.* 20.—A memorial signed by the iron men of Philadelphia, and throughout the State of Pennsylvania, will soon be presented to Congress, praying the passage of Senator Fitch's bill for the construction of national vessels built of American iron. It is already signed by the leading members of the trade, and if time permits will be presented with fifty thousand signers before the adjournment of Congress.

Dr. Berry, physician to the Washington city almshouse, died yesterday. The Mayor never before had so many applications. The salary is six hundred dollars. Dr. James E. Morgan, of the seventh ward, is appointed to fill the vacancy.

Arrival of Major McCulloch—Cause of Lord Napier's Recall.—Major Ben McCulloch has just arrived, direct from Sonora, via Arizona, and predicts a general war in that region ere long.

It is reported in well-informed quarters that Lord Napier's recall is owing to his having offended the President by not informing him of the negotiation of Sir Gore Ouseley's treaty with Nicaragua, terminating the Mosquito protectorate.

A Gale off the Coast—Marine Disasters, &c.—*Boston, Feb.* 21.—The schooner Richmond, from Boston for Baltimore, remains ashore at Newport. Two lighter loads had been taken out, but the sea is too rough to-day to renew operations. A large fleet of vessels has put in here for harbor, in consequence of the severe gale. The steamer Potomska, from New York for New Bedford, struck on the rock near the latter place yesterday, and sunk. She had a cargo of flour and provisions. The crew were saved.

Escape of Twenty-one Prisoners from Newcastle Jail.—*Newcastle, Delaware, Feb.* 21.—On Friday night, twenty-one prisoners, confined in jail at this place for various crimes, effected their escape. Among them were the two O'Neills and Dougherty, who were serving out a term of imprisonment for murder; Robinson, sentenced to death for committing a rape on Jane Norris; and Samuel Turner, his accomplice, who was awaiting his trial on the same charge. The sheriff summoned a large posse, and, after scouring the country around, succeeded in capturing six of them—Robinson and Turner being among the number.

Rev. C. Hibbard, writing from Burmah to his father, says: I have used Perry Davis's Pain Killer for coughs, colds, summer complaints, burns, bruises, and for the sting of scorpions, with uniform success. We always keep it where we can put our hands on it in the dark if need be. 52

DEATH.

Died in Columbus, Ohio, Thursday, the 17th inst., after a few hours illness, Miss Alice J. Chase, sister of Governor Chase, aged fifty-two years.

The deceased had been a resident of Columbus only only a few months, but during that brief period her amiable virtues had endeared her to many friends. Active in good works, earnest in deeds of charity, her consistent Christian life gave evidence of that strong and abiding faith in the Saviour, whose sure fruits are holy deeds.

"Blessed are the pure in heart, for they shall see God."

RELIGIOUS NOTICE.

Mrs. Lucretia Mott, the celebrated Quaker lady, will preach on Sunday next, morning and after noon, in the Congregational Church, Fifth street, opposite the City Hall.

DAVIS'S PAIN KILLER.

No medicine is more prompt in its action in cases of Cholera, Cholera Morbus, &c., than Perry Davis's Pain Killer. It is the acknowledged antidote, which seldom fails if applied in its early symptoms. No family should be without a bottle of it always on hand.

The stain on linen from the use of Pain Killer is easily removed by washing it in alcohol.

Davis's Pain Killer seems particularly efficacious in cholera morbus, bowel complaints, and other diseases to which the natives of Burmah, from their unwholesome style of living, are peculiarly exposed. It is a valuable antidote to the poison of centipedes, scorpions, hornets, &c.

REV. J. BENJAMIN,
Late Missionary in Burmah.

Sold by Druggists and all dealers in family medicines. For sale in Washington by William Ballantyne, bookseller, Seventh street. 26

THE FREE AND EASY,
Manufactured for
DOUGLAS & SHERWOOD,
Agents for the United States.
Improved and Price Reduced, 1859.

THE FREE AND EASY DRESS RELIEF is the same article illustrated in Harper's Magazine for July, page 288. Says Harper: "A novel and exceedingly useful article, designed to relieve the person from the burden of the skirt. The weight of these, it will be seen, is borne by the projecting fender, that is sustained upon the hips by broad pads." It removes all the injurious pressure and discomfort of the skirts from the waist, shoulders, and spine, enabling the wearer to breathe and speak, sit or walk, free and easy, while, without altering the apparent size of the waist at all, it imparts to the dress the line of beauty. "The value," says Godey, "of this invention, in a hygienic point of view, can hardly be over-estimated." It is applicable to every description of skirt.

It will be seen, that all that is required to unite this article with the elegant Adjusting Crinoline is to pass the skirt's hoops through a loop attached to the back part of the Dress Relief, and to attach to it the bend. The skirt is then sustained by the pressure of the strings and the bend from the person.

The Dress Relief is put on and removed together with the skirts, when united to them. Suspenders can now be attached for the use of persons who prefer to divide the burden of the skirts between the shoulders and the hips. In case persons should be unable to obtain the Dress Relief at the stores, in any place in the United States or Canada,

Messrs. Ubsdell, Peirson, Lake, & Co.,
NEW YORK AND ST. LOUIS,

will send it to order on receipt of $1, or for a very superior style, $1.50. A person who measures 30 inches around the hips (just below the top) will require the size No. 7; or for each 2 inches more, one size larger, or for each 2 inches less, one size smaller. To insure a good fit, and to suit diversity of taste in giving form to the dress, the Dress Relief has now been made to vary in size. It weighs from 2 to 4 ounces.

The Dress Relief has been fully tested, having been adopted by the first ladies of the country, and received their unanimous approval. The reduction of price now places it within the reach of all.

The Dress Relief Co., Providence, R. I., desire the address of manufacturers of skirts and dealers in them; also, specimen numbers of all.

NEWSPAPERS
in the United States and Canada, with terms for advertising. 634

TO NERVOUS SUFFERERS.

A RETIRED CLERGYMAN having been restored to health in a few days, after many years of great nervous suffering, is willing to assist others by sending (free) on receiving a stamped envelope bearing the applicant's address, a copy of the prescription used. Direct the REV. JOHN M. DAGNALL, 186 Fulton street, Brooklyn, New York. 634

MARKETS.

BALTIMORE MARKET.

Carefully prepared to Tuesday, February 22, 1859.

Flour, Howard Street	$6.00 @	0.00
Flour, City Mills	5.75	0.00
Rye Flour	4.50	4.62
Corn Meal	3.75	3.87
Wheat, white	1.40	1.80
Wheat, red	1.30	1.36
Corn, white	74	76
Corn, Yellow	78	00
Rye, Pennsylvania	88	00
Rye, Virginia	72	75
Oats, Maryland and Virginia	47	48
Oats, Pennsylvania	50	52
Clover Seed	7.12	7.25
Timothy Seed	2.00	2.25
Hay, Timothy	00.00	00.00
Hops	0	00
Potatoes, Mercer	0.00	0.00
Bacon, Shoulders	7¾	8
Bacon, Sides	9¾	10
Bacon, Hams	10½	10¾
Pork, Mess	18.50	19.00
Pork, Prime	13.50	14.00
Beef, Mess	00.00	00.00
Lard, in barrels	12¼	12¾
Lard, in kegs	13½	14
Wool, Unwashed	00	00
Wool, Washed	00	00
Wool, Pulled	00	00
Wool, Fleece, common	00	00
Wool, Fleece, fine	00	00
Wool, Choice Merino	00	00
Butter, Western, in kegs	00	00
Butter, Roll	00	00
Cheese	00	00
Coffee, Rio	11	12
Coffee, Java	15	15½

NEW YORK MARKET.

Carefully prepared to Tuesday, February 22, 1859.

Flour, State brands	$5.30 @	5.50
Flour, State brands, extra	6.10	0.00
Flour, Western	5.45	5.85
Flour, Southern	5.85	6.50
Rye Flour	3.75	4.30
Corn Meal	3.70	3.85
Wheat, white	1.50	0.00
Wheat, red	1.35	1.40
Corn, white	78	90
Corn, yellow	81	88
Rye	82	85
Oats	56	57
Clover Seed	10.50	11.00
Timothy Seed	2.12	2.25
Hay	65	70
Hops	15	18
Bacon, Shoulders	10	10½
Bacon, Sides	9	10½
Bacon, Hams	8¾	9½
Pork, Mess	18.00	18.12
Pork, Prime	13.30	13.37
Beef	8.00	9.50
Lard, in barrels	12	12¾
Lard, in kegs	00	00
Butter, Western	11	20
Butter, State	15	27
Cheese	8	11¾
Coffee, Rio	11¼	11¾
Coffee, Java	14	00
Wool, Unwashed	00	00
Wool, Washed	00	00
Wool, Pulled	00	00
Wool, Fleece, common	00	00
Wool, Fleece, fine	00	00
Iron, Scotch, Pig	29.00	00.00
Lime, Rockland	75	00
Lime, common	1.00	00

Coughs.

Coughs.—The administration of medical preparations in the form of a Lozenge, is of all modes the most eligible and convenient, more especially as regards a Cough Remedy. "Brown's Bronchial Troches" or Cough Lozenges, allay Irritation which induces Coughing, having a direct influence to the affected parts.

Colds.

Colds.—Few are aware of the importance of checking a Cough or "Common Cold" in its first stage; that which in the beginning would yield to a mild remedy, if neglected, soon attacks the Lungs. "Brown's Bronchial Troches," containing demulcent ingredients, allay Pulmonary Irritation.

Asthma.

Asthma or Phthisic.—A spasmodic affection of the Bronchial Tubes, which are covered with a dry, tenacious phlegm—"Brown's Bronchial Troches" will in some cases, give immediate relief. If of long standing, persevere with them—they will alleviate in time.

"An old lady friend, having tried many remedies for Asthma with no benefit, found great relief from the Troches." Rev. D. LEFTS, Frankfort, Ill.

Catarrh.

Catarrh.—A form of Chronic Throat Disease, consisting in inflammation, which begins behind and a little above the palate, and extending up into the nose. "Brown's Bronchial Troches" have proved very efficacious in this troublesome complaint. No sufferer from Catarrh should be without them.

Influenza.

Influenza.—The great and sudden changes of our climate are fruitful sources of Pulmonary and Bronchial affections. Experience having proved that simple remedies often act speedily and certainly when taken in the early stage of disease, recourse should at once be had to "Brown's Bronchial Troches," or Lozenges, let the Influenza, Cough, or Irritation of the Throat, be ever so slight, as by this precaution a more serious attack may be effectually warded off.

Bronchitis.

Bronchitis, Clergyman's Sore Throat.—A Chronic Inflammation of the small Mucous Glands connected with the Membranes which line the Throat and Windpipe; the approach of which is often so insidious as scarcely to attract notice—an increase of Mucus, and a sense of weariness and loss of power in the Throat, after public speaking or singing. It arises from cold or any unusual exertion of the voice. These incipient symptoms are allayed by using Brown's Bronchial Troches, which, if neglected, an entire loss of voice is often experienced.

Hoarseness.

Hoarseness and Sore Throat.—This unpleasant and painful result of "Catching Cold," or unusual exertion of the vocal organs, may at any time be removed by allowing one or two of "Brown's Bronchial Troches," or Cough Lozenges, to dissolve slowly in the mouth. Hence, singers and Public Speakers will find them of particular advantage.

"We have found them of great service in allaying Bronchial Irritation, and in subduing hoarseness produced by Colds. Rev. DANIEL WISE, late Editor of Zion's Herald.

Whooping Cough.

Whooping Cough.—"Brown's Bronchial Troches," or Cough Lozenges, are efficacious with children laboring from this disorder, Hoarseness, or other affections of the Chest, having a soothing influence, assisting expectoration, and preventing an accumulation of phlegm, which often causes a sense of suffocation so common with this cough.

Consumption.

In Consumption, Brown's Bronchial Troches will afford great relief. They promote Expectoration, and allay the hacking Cough. For Asthmatic, Consumptive and Catarrhal Coughs, which are more or less troublesome at night, great relief will be experienced by taking at bedtime one or two of Troches, which will insure ease and comfortable rest.

Public Speakers and Singers.

"Brown's Bronchial Troches" contain ingredients acting specifically on the organs of the voice; they have an extraordinary efficacy in all affections of the Throat and Larynx, restoring their healthy tone when relaxed, either from cold or over exertion of the voice, and produce a clear and distinct enunciation.

Containing nothing that can injure the system, they can be taken as freely as requisite for clearing and strengthening the voice.

"Pre eminently the first and best."
REV. HENRY WARD BEECHER.
"I recommend their use to Public Speakers."
REV. E. H. CHAPIN, NEW YORK.
"I have proved them excellent for Whooping Cough."
REV. H. W. WARREN, BOSTON.
"Great benefit in affections of the Bronchial Organs."
DR. J. F. W. LANE, BOSTON.
"A simple and elegant combination for Coughs, &c."
DR. G. F. BIGELOW, BOSTON.
Sold by Druggists everywhere, 25 cents per Box. 634

THE ATLANTIC MONTHLY
FOR MARCH, NOW READY.

THE MINISTER'S WOOING.
BY HARRIET BEECHER STOWE.

This serial, begun in the December number of the Atlantic, has been received with universal favor, and bids fair to become the greatest work of the gifted novelist. The field is new; for the New England of the last century is far away from the New England of to-day; and the pages of the story already published show how completely the author has entered into the quaint and simple life of that almost forgotten period. Her portraitures of character are full of spirit—equally remarkable in their firm outlines, and in the minute touches which enable one to see how all of genius can give. The Minister's Wooing will be continued through the year.

TERMS.—Three dollars per annum, or twenty-five cents a number. Upon the receipt of the subscription price, the publishers will mail the work to any part of the United States, prepaid. Subscriptions may begin with either the first or any subsequent number.

The postage of the Atlantic is 36 cents a year, prepaid. The pages of the Atlantic are stereotyped, and back numbers can be supplied.

CLUBS.—For Ten Dollars, the publishers will send five copies of the Atlantic for one year, the subscribers to pay their own postage.

Clergymen, Teachers, and Postmasters, will receive the work for Two Dollars a year.

Booksellers and Newsmen will obtain the terms by the hundred, etc., upon application to the publishers.

PHILLIPS, SAMPSON, & CO.,
13 Winter Street, Boston.
634

WASHINGTON, D. C.

The Federal Judiciary.

SPEECH OF HON. PHILEMON BLISS,

OF OHIO,

IN THE U. S. HOUSE OF REPRESENTATIVES,

FEBRUARY 7, 1859.

Mr. BLISS, of Ohio, said:

MR. CHAIRMAN: Debate on the appropriation bill for the judiciary having been closed, I am driven to that exhaustless mine, the President's message, now under consideration. True to his early instincts, he again appeals to the Supreme Court, as authority for political opinions, and indirectly approves an old dogma, recently endorsed in the report of a Democratic committee of my own Legislature, "that the decisions of the Supreme Court, upon constitutional questions, must stand as a part of the instrument itself, until they are reversed." It is to combat that ultra Federal dogma, and to explain the provisions of certain bills of my own, that I propose to speak.

During the last session of this Congress, the Judiciary Committee reported against a bill introduced by me, repealing the twenty-fifth section of the judiciary act of 1789, and curtailing the *habeas corpus* powers of the United States judges. I had then no opportunity to express my views upon the subject-matter of the bill. There is now before the same committee a bill introduced by me, to prevent the packing of juries in the Federal courts of Ohio. I shall not hereafter share the responsibility of Federal legislation; and, despairing of present action, I should, perhaps, content myself by letting the bills themselves express my views. But I find myself constrained to speak. Amid the din of crowding events, I may fail to get a hearing; yet I cannot return to my people without giving vent to my deep conviction of the dangers to the citizen and to our federative system from the encroachments of the Federal courts.

We justly praise the Federal Constitution. That instrument, in its simple, its comprehensive grandeur, will ever command the homage of mankind. Even when the infidelity of a degenerate people, trampling on its guarantees, abusing its powers, spurning its reservations, shall render its benignant provisions a curse, the instrument itself will deserve none the less reverence, but only prove that liberty and law, justice and tranquillity, are the result of a spirit, and not a form; a sentiment, and not a parchment. But we speak thus of the Constitution in reference to the times and our young experience. It has grave defects in not sufficiently guarding its provisions from abuse; in not providing against dangers then unseen, but which now command the most serious alarm.

As we were to have a Government as well as a league, a separate judicial department became, or was deemed, essential. This judiciary must of course have cognizance of cases arising under the Constitution and laws. It must in such cases decide upon the powers in the Constitution and upon the reserved rights of the States. There is no avoiding this, whenever a case arises that involves the necessity of considering them.

It is one of the evils arising from every written Constitution, from the fact that it is written, that a court may so twist its language as to enforce as fundamental law, provisions undreamed of when adopted. We feel this evil in the States, and seek to guard against it by judicial responsibility, by limiting jurisdiction, and, above all, by giving health to opinion. Evils like these were unknown to our fathers. The great danger, now so patent, in giving to a permanent body of men the power, without responsibility, to interpret, even in causes of a judicial character, the Constitution and Federal laws, and to decide the extent of their own powers, seemed not to have oppressed them. They regarded the judiciary as weak, and needing strength. It had not been a power in the colonies; it had not been a power in the Revolution. Mr. Hamilton says: "The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution," (Federalist, No. 78.) And thus he always spoke. It is evident, also, from Mr. Madison's convention report, that the political influence of the judiciary was not feared, (Elliot 5, 483.) Our English model had no power to nullify, only to interpret; and a false though innocent interpretation was easily remedied by appeal to the Lords, or by a new enactment. Hence the spectacle of a gowned conclave, gravely setting aside statutes and constitutions of sovereign States; enforcing powers not granted in the compact, and against the express reservations of the States; with eager zeal reversing the whole current of authority and law, to make universal a local and exceptional despotism; prompting its ministers to mayhem and murder, sure of their illegal shield, never darkened our fathers' vision. Had a tithe of what we stupidly suffer been anticipated by them, the Federation itself would have been an impossibility; at least, the court would have been but a Hamilton's dream of a life Executive and Senate. But they had seen the English danger of dependence upon the King, and, mistaking a phrase for a fact, thought they saw the English remedy in "independence of the judiciary."

There never was a more serious mistake. There is now, there was then, no such thing in England as the independence of the judiciary. The most important judicial officer—the Lord Chancellor—the only one who possesses any political power, comes and goes with every Administration; and all the other judges are subject to removal by a bare majority of the Parliament. The power that changes an Administration can legally disrobe a whole bench; and the consciousness of that fact, with the denial of all political power to the common-law judges, has been the true conservator of the English courts. No, it is the "responsibility of the judiciary" that has redeemed the English bench. "Independence of the judiciary" simply meant independence of the Crown, with responsibility to the people. Words are sometimes the vail as well as the mirror of things; and the phrase, both true and false, kept out of sight the real character of the great English reform, and dictated the strange tenure of our judges, and blinded the Congress of 1789 to the power their jurisdiction over the States might give them. The "scarecrow of impeachment"—that laughing-stock of irresponsibility—was weakly trusted to frighten those whose unchecked will might make, or aid monopolists and demagogues to make and unmake constitutions and laws.

And, besides, it cannot be denied that the conservatism of 1787 and 1789 dared not fully to trust the people. I am often surprised at its blindness now, as then. Timid and usually honest, it shows the sagacity of the ostrich, and the clearsightedness of the owl at noonday. Conservatism would treat man as a child, to be always led; or a wild beast, to be always caged; while Democratic Republicanism regards him as a rational being, to be developed; a person clothed with the responsibilities and charged with the duties of majority. Conservatism would guide him and sustain him only, of course, to prevent mischief to himself. It would keep him from the water till he had learned to swim; would withhold a gun till he had learned its use; would measure his daily food, for fear he would over-eat; and would surround him by a police to prevent him from jostling and being jostled in his walks; while Republicanism would bid him plunge in the stream, shoulder his own weapon, regulate his own diet, and thread his own pathway.

Were development unnecessary, and could we always insure both wisdom and goodness in our rulers, there might be some excuse for conservatism. The good, though somewhat mythical Incas, were said to have made a people happy, though they kept them babes, waiting to yield to the first assault. But our experience shows us that power alway corrupts, and the consciousness of irresponsibility only stimulates the selfish passions. The only true conservatism teaches personal independence in the citizen, and strict responsibility in every department of Government. It is true, the people may become corrupt; but, alas! where, then, can we look? If a man cannot govern himself, how can we trust him to govern others? If he fail to himself, will he submit to the wise? Or, rather, will he not become the prey of the unscrupulous, or the tyrant of his fellows? Surrounded by those forms that shall check passion, protect the individual, and render impotent sudden tumult, THE PEOPLE, more honest and as apt to be wise as their servants, must govern the governors—be the tribunal before whom all tribunals bow. The consciousness of this responsibility alone can make the corrupt heed his way; alone can make the judge, as well as the legislator, tempted to pander to a private interest, or break down a personal safeguard, pause to see whether he can give a good reason for his act—one that shall satisfy an honest master, and one that shall accord with those fundamental principles he has sworn, and they have more than sworn, to follow.

This blunder in the Constitution was greatly aggravated by the course of those into whose hands its first administration fell. Unfortunately, they were not satisfied with its simple powers. They honestly believed it but "a rope of sand;" and sought, by forced constructions, to fortify and strengthen it. I speak not to blame. They were great and patriotic men; but men who feared anarchy more than despotism, license more than power, and who only sought to enlarge what they deemed the basis of our liberty. The people could not always be dazzled by the names of Washington and the revolutionary heroes—all naturally on the side of a strong Government; they were passing away; and some refuge from their own passions must be furnished the people, or the fruits of the Revolution would be only strife and impotency. Fortunately, the Constitution had provided a tribunal, irresponsible and dignified, and filled by those who deeply sympathized in their fears. This tribunal, if sufficiently strengthened, might be able to build upon this Constitution the ark of our deliverance.

There were two obvious ways of strengthening it. First, by extending its jurisdiction; and second, by giving it supreme sway over the minds of the people.

In jurisdiction, they at once succeeded as fully as could be desired by the most devoted Federalist. In reading over the twenty-fifth section of the Judiciary act of 1789, I have often wondered at the tameness of the States, thus at once made vassals. If the Federal court may not only try "cases" arising under the Constitution; if, in such cases primarily brought in it, it may not only solve for itself the doubt as to whether it may be a Federal or is a State case merely; whether a power has been yielded or withheld; but if, whenever any State tribunal, the tribunal of a sovereignty *per se*, equally bound to observe the Constitution, and possessing larger powers, shall decide that a power is "reserved," and not "delegated," this Federal court may step in and take from it jurisdiction, upon mere claim of a party, then, indeed, the federation becomes really a nation, and the discretionary overseer of the States. Though many seem to have lost sight of it, yet it is really against the jurisdiction given by that section, that the struggles of the State-rights Republicans have been ever since directed. Why it has not been repealed, I greatly wonder. Why this club should be continued in the hands of this court, always rampant against the States, is passing strange.

But perhaps a solution may be found in the second method adopted by the Nationals, then, as now, to give permanence to their views. We bow to opinion, not force. Hierarchies and thrones rest upon the superstition of men. Blind reverence is always relied on to cherish authority that reason disowns. The friends of this court and its claims have sought to clothe it in the robes of majesty, and to enthrone it upon the seat of serene infallibility. We treat our State courts with the freedom that belongs to human tribunals; approving when right, condemning when wrong. But when, from yon mysterious vault, the enrobed nine send forth their tomes, befogging by their diffuseness even when announcing the plainest principles, and still more bewildering by "words without knowledge," when essaying some new constitutional construction, as they call their attacks upon the rights of the States and their citizens, we are taught to bow without question, as the faithful to the decrees of the Grand Lama.

Having thus given the Federal court control over the State Judiciary, and taught a superstitious reverence for its opinions, a single constitutional interpolation only became necessary, to make its authority complete. The Constitution gives jurisdiction in certain "cases," *i. e.*, suits between parties. If this authority could be extended to all *questions*, as well as cases, the most ardent centralizer could ask no more. It is plain, that if I seek an advantage, a right under a written instrument, whether it be a constitution, statute, or contract, I must be governed by the construction given the instrument by the tribunal whose aid I invoke. This is equally true, whether I seek the intervention of a Federal or a State court, executive officer, Legislature, or umpire. Each power will give me relief in the specific case, as it understands my rights under the instrument, and must, necessarily, so far construe that instrument; but to give decisions upon questions and principles by which other departments or tribunals of equal authority shall be bound in other cases, is quite another thing.

If the idea could be generally infused into the public mind that this court had jurisdiction to decide all constitutional questions; could be made, like the councils, the final arbiter of faith, by whose opinions upon the political theory supposed to be involved in the cause all should be bound, the end of the consolidation party would be attained. Law and order would erect its throne upon the seat of liberty and law, the democratic element be held in check by the arm of power and the sentiment of loyalty; and from a disjointed Confederacy would spring a great and consolidated empire. To thus infuse that idea, was directed every energy. True, Mr. Jefferson and a few others have always fought against it; but they seem almost to have fought in vain. [See appendix.] From then till now, the leading Federal idea has possessed the public mind. Legislators, Presidents, orators, essayists, whether conservative or demagogue, constantly, and with confidence, appealing to the varying and contradictory opinions of Federal judges, denounce the impious dissenter. Does a United States Bank, looking in vain to the Constitution itself, demand a continued existence, its Webster, with a power alone his own, rallies us to the support of its shield, the court, as the final arbiter of all constitutional questions. Does the genius of personal despotism, from its local abode, look with jealousy upon our joyous Freedom, and seek to cut off the great domain from its enjoyment, the ready opinion of an eager court is proclaimed by the President as the ultimatum; and, from that opinion alone, Slavery is enforced as the general law. Does the State, tired of monopoly, seek to grant to others the same privilege hitherto given alone to a corporation, or to otherwise change the law creating it, we find the court making the strange discovery that all charters are contracts, and beyond the control of the State. Thus all corporations, and the multitudes interested in corporations, oppressors, and the multitudes whose chief glory is to hate the subjects of oppression, instinctively rally around this court, and wonder that any one can doubt its final authority upon all *questions* as well as "cases."

Of all the departments of the Government, the Supreme Court should be the last one to decide political questions. If the people are the source of power, if they adopt their fundamental law, they must ultimately give it construction. It is not possible that they intended to give to a body of eight or ten men, chosen for life, and almost wholly irresponsible to them, power to modify and change their Constitution at pleasure, as some new light or new influence shall inspire them. It is not possible that the States intended to give their sovereignty to such keeping. The blunder of its creation and its early powers—those strange oversights that great men might be guilty of, who were intent alone upon traditional dangers, and, scanning the history of all people, found neither example nor peril, because their system itself was without precedent, cannot be thus interpreted. No; the people of the States, both through their several State Governments and their Federal representatives, are the only power that can legitimately decide these questions. And if the Federal court, after they have become so unequivocally decided, shall, in cases before them, refuse to conform to such decision, then it becomes the duty of the people "to alter or abolish it."

The character of that court's decisions demand that we hold it strictly to the law. I have nothing to say of the judges personally; I suppose them to be like other men, generally honest, but liable to be swayed by private interest, class or local jealousies, and party passions, and needing, like others, the restraining influence of the terrors of accountability. I have alluded to some of their decisions; I have no time to speak of them at length, and will content myself with quoting a criticism of Chief Justice Bartley, of my own State, only remarking that his criticism has been endorsed by the Democratic party of Ohio by renomination for the Supreme bench immediately after it was made:

> "It is a remarkable fact, that almost every unwarrantable stretch of power by Congress has been sustained by the Supreme Court of the United States. This is a matter of public history. The alien and sedition laws; the vexatious regulations of the embargo and non-intercourse acts; the act to incorporate the Bank of the United States;" * * * "the recent bankrupt law;" * * * "these, and numerous other acts which might be mentioned, now repealed, and now wholly repudiated by the force of public sentiment as unwarranted by the Constitution, received a ready sanction in the Supreme Court of the United States. In view of the unmistakable disposition manifested by that tribunal to enlarge the powers of the General Government by construction; in view of the fact that it has taken under its protection almost every species of corporation, political, pecuniary, and eleemosynary; in view of its repeated encroachments on the sovereignty of the States, by annulling laws which in no way whatever concerned the affairs of the Federal Government, or interfered with the progress of its legitimate administration, it must be admitted, though much to be lamented, that the decisions of that tribunal have not only lost much of their moral influence, but much weight as judicial authority, in the courts of the States."—*6 Ohio State Reports*, page 379.

I do not disown judicial authority, or deny its influence, outside the given case. Every judicial decision, whether State or Federal, is entitled to respect; and if it settle a disputed point upon the basis of reason, should be followed by other courts. The judicial maxim, "*stare decisis*," means, this and no more. In the relations of the Federal and State courts, an additional rule prevails. The construction of a Federal statute by the Federal courts should be followed in the State courts; and, conversely, the construction of State statutes by State courts is binding on the Federal. Yet this rule only applies when exclusive jurisdiction over the subject-matter of the statute, or the constitutionality of the statute, is admitted. Hence, when the federation assumes personal jurisdiction not granted in the Constitution, as in punishing for crimes over which no jurisdiction is given them, it is the duty of the State to disregard such assumption, and vindicate its reservations; and when the State seeks to punish for acts under Federal authority, as for collecting imposts, the Federation will disregard such attempt, and vindicate its powers. In such cases, neither the decisions of Legislatures or courts have any binding force. Be not alarmed at the collisions that thus arise. They show that we have not lapsed into the calm of despotism. Through them, Freedom breathes, and great principles renew their life. It is the only way by which the public reason, that must ultimately decide all these questions, can be directed to their solution; and we shall be the wiser and better for the collisions.

The twenty-fifth section of the judiciary act, which I propose to repeal, provides for a direct supervision of the State courts by the Federal judiciary, whenever they decide against a party who claims privilege or exemption by virtue of Federal authority; though, if the decision is in favor of such party, however erroneous, his opponent is without remedy.

> "SEC. 25. * * * That a final judgment or decree in any suit in the highest court of law or equity of a State in which a decision of the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws, of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party under such clause of the said Constitution, treaty, statute, or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon a writ of error," &c.—1 *United States Statutes at Large*, page 85.

This section of the statute is one of the uncorrected errors of those who so early sought to nationalize this Federation; the principle of it is clearly vicious. I speak not now of the twelfth section, which is subject to some of the same objections.

All cases, either at law or equity, fall under the jurisdiction either exclusively of the Federal, exclusively of the State, or concurrently of the State and Federal courts, wherever the suit is first instituted. When the jurisdiction is exclusive, any similar proceedings elsewhere are absolutely void. There is no necessity for either a Federal or State court to review on error the opinions of a tribunal that has no jurisdiction in the case. They may be treated as a nullity; and the court having exclusive jurisdiction will proceed as though no other proceedings had been had.

In nearly all the cases in which jurisdiction is given by the Constitution to the Federal courts, it is admitted that the State courts have concurrent jurisdiction. And the question arises, whether the State courts, having properly acquired jurisdiction, are courts inferior to the Federal in the sense that their final decision should be subject to review on appeal on error to the Federal courts?

Ohio has as yet always submitted to such review, and in cases deeply affecting her sovereignty. I would not counsel our own Supreme Court, for a light cause, to refuse obedience; yet the signs indicate that the time may soon come when such refusal will become a duty. Acquiescence in this Federal supervision has been by no means universal. Virginia [see Appendix] and Georgia have openly and with impunity repudiated the right of Federal review, and it has been often questioned in other States. State nullification is always a dangerous, though sometimes a necessary, remedy. Congress should remove the temptation by the repeal of a statute, which any State at pleasure may nullify, and for which we find no constitutional authority, as I will show.

If the Federal court may lawfully review a final decision in the courts of the States, that authority of course is given in the Constitution: Judge Marshall, in Cohens *vs.* Virginia, (6 Wheaton, 264, see page 416,) claims that the words of the Constitution "give to the Supreme Court appellate jurisdiction, in all cases arising under the Constitutions, laws, and treaties, of the United States. The words are broad enough to comprehend all cases of this description, *in whatever court they may be decided.*" Let us see what are these so broad words:

> "SEC. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as *the Congress may from time to time ordain and establish.* The judges, both of the Supreme *and inferior courts*, shall hold their offices," &c.

This is very express. The judicial power is vested in the Supreme Court and courts *created by Congress*, not "in whatever court" certain cases "may be decided."

Again, immediately following:

> "SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution," &c.

What judicial power, pray? That of any of "whatever court" may decide constitutional questions? So it would seem, from the language of Judge Marshall; and such would seem to have been the idea of those good old Federalists who framed this twenty-fifth section. But, in looking at the simple instrument itself, we see that "the judicial power" is the "judicial power of the United States" just spoken of, and is vested in a Supreme Court, and in other courts *created by Congress*. The judicial power of the several States, or of foreign States, may extend to these cases, yet not by virtue of this instrument. If a plaintiff bring a defendant into the courts of Great Britain, or of New York, and claim a right, or the defendant claim an exemption under the Federal Constitution, or laws, or treaties, such court must necessarily decide the claim. They are courts of general jurisdiction, and decide upon all claims lawfully brought before them, under whatever Constitutions or laws they arise. But they do not so decide by virtue of this section, and their power is not "the judicial power of the United States."

The second paragraph of this second section provides directly for this appellate jurisdiction of the Supreme Court. It is the only pretended authority for the twenty-fifth section of the judiciary act; and I ask a careful attention to its language:

> "In all cases affecting ambassadors, &c., the Supreme Court shall have original jurisdiction. In all other cases *before mentioned*, the Supreme Court shall have appellate jurisdiction," &c.

What cases are "before mentioned?" Why, all those enumerated cases to which "the judicial power shall extend." The judicial power of New York? of Great Britain? No; but "the judicial power of the United States," "vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish." So we see that the "appellate jurisdiction" is not from State courts or foreign courts at all; and "the words" are not "broad enough to comprehend all cases" involving a construction of Federal laws, &c., "in whatever court they may be decided."

But, as if conscious that the words of the Constitution were not broad enough to give "appellate jurisdiction" from any but those courts in which the judicial power of the United States is vested, and which are created by Congress, the same learned judge, in the same case, (pages 414, 415,) infers this power not from any "words," but from his idea of the general relation of the Federal and State Governments.

> "We think that in a Government acknowledgedly supreme with respect to the objects of vital interest to the nation, there is nothing inconsistent with sound reason, or incompatible with the nature of government, in making all its departments supreme, so far as respects those objects, and so far as is necessary to their attainment. The exercise of the appellate power over those judgments of the State tribunals which may contravene the Constitution or laws of the United States, is essential to the attainment of those objects." * * * "It seems to be a corollary from this political axiom, that the Federal courts should either possess exclusive jurisdiction in such cases, or a power to revise the judgment rendered in them by the State tribunals."

Perhaps they "should;" but, to see whether they actually *do* possess it, we must look to the Constitution itself, either for an express grant of the jurisdiction, or to see whether it is a direct inference from an express grant. The judicial power of the United States is expressly granted to the Supreme Court, and to such inferior courts as Congress may establish. Appellate jurisdiction is expressly given to the Supreme Court in cases over which judicial power is thus granted. Laws to carry into execution these express grants should provide for the organization of this Supreme and these inferior courts, and for error and appeal from the latter to the former. So far as jurisdiction is concerned, they should do no less; *they can do no more.* And yet this learned judge—and truly learned he must have been, to have established his strange constructions—has discovered an implied power, not "to make all laws which shall be necessary and proper for carrying into execution" the powers expressly granted; but he implies a power from his own theory of the general character and relations of the Federal and State Governments. The Federal Government is supreme; therefore its court has appellate jurisdiction over the State courts! So I might say the State Governments are supreme, and therefore the State courts should have appellate jurisdiction over the Federal. The truth is, the LAW is supreme, and not the courts, though each is superior to the other in their own forum, and within their own exclusive jurisdiction; but when the jurisdiction is concurrent, they are equals; and the Federal Constitution gives no color to the idea that there is any dependence or subordination of one to the other. The Federal courts, being of special and limited jurisdiction, can only pass upon the rights of litigants where certain specific questions are involved; and in such cases, so far as is necessary, must interpret Constitutions and laws. The State courts, being of general jurisdiction, may pass upon the rights of litigants, whatever the question involved, unless expressly restrained. If a party bases his claim or defence upon a law of England or France, or upon the Constitution or laws of any other State, or of the United States, it becomes the duty of this State court to construe such laws, by whatever sovereignty enacted. Because England and France and the several States are each superior in the enactment of their own laws, will error hence lie to their courts? I admit there would be more propriety, *were the power granted*, in the exercise by the Supreme Court of the United States of appellate jurisdiction from the State courts, than in its exercise by courts of extra-territorial jurisdiction. But the reasoning of the court, when it leaves the record to flounder in the mire of conjecture, applies as well to one as the other.

But it is said the Constitution, and laws of the United States in pursuance thereof, are the supreme law. Most true; but does it follow that hence the Supreme Court of the United States has appellate jurisdiction over the State courts? The State judges are all sworn to support the Constitution of the United States; they are sworn to administer its laws. Except in actions pertaining to the realty, they can only hear complaints against persons within the bailiwick. These judges are their natural protectors, and, as representatives of the local sovereign, ought to decide all local tenures. The plaintiff who appeals to them, and the defendant who sits under their shadow, cannot complain of their decision. "The supreme law of the land" is just as binding upon them as upon a Federal court; and there is no reason to believe they will not administer it as honestly, as impartially. Most of the reasoning of the Federal court, in assuming this appellate jurisdiction, is a mean imputation upon their integrity. I have yet to learn that the courts of the States, at least such of them as have fallen under my cognizance, are a whit behind the Federal Supreme Court in learning, in integrity, and in fidelity to the admitted principles of our Government. I might say more.

But, it is said, we should have uniformity in constitutional interpretations, that all the people may hold the same doctrine. This may be important, or may not; but it certainly cannot be obtained through the Supreme Court. For, firstly, it has no power to decide these questions for the people at large. It can only give or withhold relief from some particular litigant, in a given case, and can go no further. And, besides, experience has shown that constitutional questions have not been settled in this way. They have been settled only by the verdict and general acquiescence of the people, and generally against the opinion of the Supreme Court. And even this twenty-fifth section, which seeks uniformity by a method unknown to the Constitution, fails upon the face of it. It provides for appeals in only a portion of the cases. If the State court decides, however erroneously, *in favor* of the party seeking to avail himself of some Federal weapon or cover, it is all right. There is no appeal. It is only when such weapon or cover is held illegal, that appeal lies; thus making a distinction unjust to parties and odious to the States.

But I am compelled to drop this subject just as it opens before me, or omit other things.

In the same bill before spoken of, I provided for the repeal of the seventh section of the act of March 2, 1833, "further to provide for the collection of duties on imports," (4 Statutes at Large, page 634,) commonly called the "force act." I think the whole act should be repealed. A grant of extraordinary power for a particular emergency should never become part of a permanent system. The seventh section extends the jurisdiction of the Federal judges in *habeas corpus* to cases when the prisoner is confined "for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree, of any judge or court thereof." It was drawn upon the supposition that Federal officers would be imprisoned for the proper execution of Federal process, or collection of Federal revenue. It was designed to meet the then threatened resistance of South Carolina; and, though it might have been necessary in that emergency, its continued existence implies an unwarranted distrust of the over-loyal State authorities. Respect for that loyalty, if nothing else, demands its repeal. No State tribunal ever has or ever will punish any person for a lawful act under Federal authority, and the Federation has no right to insinuate such a disposition. It is a wanton insult, as if a magistrate should plant his cannon to command the dwellings of the citizens, on pretence that they may rise against him.

Besides, it is a clear usurpation of Federal authority. The States have a right to execute their criminal laws—have a right to put upon trial any man accused of violating them. A person is accused of murder. He pleads that he is a United States marshal, and the homicide was justifiably or excusably committed in the discharge of his duty. If he sustains his plea, he goes acquit. *But that is the fact to be found.* The truth of the plea is not to be presumed; any scoundrel might plead it. But this section of the force act steps in and snatches the culprit from the custody of the State, and impudently says that he shall not be tried at all. A district or circuit judge, who has no more jurisdiction of the crime than the Sultan, will decide, in chambers, upon his guilt; and if he wills it, the murderer goes abroad, not acquit, but without power in the State to put him on trial. I look in vain in the Constitution for such a surrender by the States of jurisdiction over crime. And if it were surrendered, the fact of guilt or innocence is not to be decided by any judge, but "the trial of all crimes, except in cases of impeachment, shall be by jury." (Art. 3.)

My hostility to this *habeas corpus* power is not lessened by its plain abuse on the part of Federal judges. Certain occurrences in the southern district of Ohio are alluded to in the message of Governor Chase, of January, 1858. I give an extract, that this House may see the judicial antics which irresponsibility may cut:

> "A disposition has been manifested, within the last few years, by some of the officials of the Federal Government, exercising their function within the limits of Ohio, to disregard the authority and to encroach upon the rights of the State, to an extent and in a manner which demands your notice.
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> "In February, 1856, several colored persons were seized in Hamilton county, as fugitive slaves. One of these persons, Margaret Garner, in the frenzy of the moment, impelled, as it seems, by the dread of seeing her children dragged, with herself, back to Slavery, attempted to slay them on the spot, and actually succeeded in killing one. For this act, she and her companions were indicted by the grand jury for the crime of murder, and were taken into custody upon a writ regularly issued from the Court of Common Pleas.
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> "While thus imprisoned under the legal process of a State court, for the highest crime known to our code, a writ of *habeas corpus* was issued by a judge of the district court of the United States, requiring their production before him. The writ was obeyed by the sheriff, and, contrary to all expectations, and in disregard, as I must think, of principle and authority, the prisoners were taken from his custody by order of the judge, and, without allowing any opportunity for the interposition of the State authorities, delivered over to the marshal of the United States, by whom they were immediately transported beyond our limits. The alleged ground for this action and order was, that the indicted parties had been seized as *fugitive slaves*, upon a Federal commissioner's warrant, before the indictment and arrest, and that the right to their custody, thus acquired, was superior to that of the sheriff, under the process of the State. This doctrine must necessarily give practical impunity to murder, whenever the murderer may be seized by a Federal official as a fugitive from service, before arrest for the crime under State authority. Imputing no wrong intention to the judge, I am constrained to add, that his proceeding seems to me an abuse, rather than an exercise, of judicial power.
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> "A similar case occurred more recently, in the county of Champaign. Several deputies of the Federal marshal, having arrested certain citizens of this State for some alleged offence against the fugitive slave act, a writ of *habeas corpus* was issued by the probate judge of that county, requiring the arrested parties to be brought before him, for inquiry into the grounds of detention. The sheriff of Clark county, while attempting to execute this writ, was assaulted by these petty officials, and seriously injured, while his deputy was fired upon, though happily without effect. A warrant was issued by a justice of the peace for the apprehension of the perpetrators of these offences. This warrant was duly executed, and the prisoners committed to jail, under the custody of the sheriff of Clark county. A writ of *habeas corpus* was then issued by the same district judge who had interposed in the case of Margaret Garner, requiring the sheriff of Clark county to produce his prisoners before him, at the city of Cincinnati. This writ was also obeyed, and the prisoners were discharged from custody, by order of the judge, on the ground that, being Federal officers, and charged with the execution of a Federal writ, they had a right to overcome, by any necessary violence, all attempts made under the process of a State court to detain them or their prisoners, even for inquiry into the legality of the custody in which these prisoners were held.
>
> "This principle cannot be sound. It subverts effectually the sovereignty of the States. It asserts the right of any district judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever, in his opinion, a person charged with crime under State authority has acted, in the matter forming the basis of the charge, in pursuance of any Federal law or warrant. No act of Congress, in my judgment, sanctions this principle. Such an act, indeed, would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crimes shall be by jury."

These are by no means the only cases in which Federal judges have been guilty of abusing their jurisdiction in *habeas corpus*, but suffice as a specimen. I do not claim these strange acts to be within the statute. By no manner of means. But they are within the practice of irresponsible judges, under color of the statute, and furnish a strong reason for the repeal of any act that can give color to such unwarrantable proceedings.

As I first stated, I have sent a bill to the Judiciary Committee, at this session, to regulate the empanneling of juries for the Federal courts in Ohio. I have only a moment to consider the necessity of this or some similar measure, and, indeed, it seems to me that an elaborate argument upon it would be an insult to the intelligence or purity of this House. Jurors represent no party; they represent no class; they are not transient residents; not adventurers; but belong to the body of the people, and are usually selected from the more substantial of the freeholders. The law has always been very careful in the mode of selection, so as to secure that absolute impartiality which is essential to the very idea of a juror. In Massachusetts, if not in all New England, juries are drawn in the same manner, in both the Federal and State courts, and that is by lot from the body of such of the freemen as are not rejected by the towns for cause.

In Ohio, for the State courts, the trustees of each township annually return to the county clerk the names of a certain number of qualified citizens, according to population, from which number all regular jurors are drawn by lot. The object of such mode is to insure popularity and impartiality; and more effectually to secure the latter, we have various provisions for striking juries, changing venue, &c. The selection of a prejudiced jury is a substantial denial of the jury trial; ay, and worse; it is poison for bread, a curse for a blessing. And any mode of selection that shall endanger impartiality, that shall offer facilities to take them from a party, to make them represent a class rather than the body of the people, is a fraud on the Constitution. An honest man, rather than countenance such a fraud, would boldly deny altogether the jury trial. Of what value to the citizen accused of crime is the constitutional guarantee, if the State select the jury? It is worse than a mockery; and yet such is the fact in our Federal courts. The clerk and the marshal, the creatures of Government, one directly, and the other indirectly, holding at the will of Government, by a rule of court select the names from which jurors are drawn, to decide upon the truth of Government accusations! And this power given the Government to convict any one it wills, is called "constitutional liberty," and such prosecutions, "trial by one's peers," "due process of law," &c. Give us, if you please, the naked knout or bowstring; but away with shams, and no longer prostitute the forms of liberty to the overthrow of its substance!

It is not my purpose to blame the court for the rule referred to. The State method of selecting jurors may be impracticable, without further legislation. If not, the duty of the court, under the law, is clear; and it seems to me that a rule requiring the Federal clerk to request the clerks of the several counties to draw for him, from their regular jury box, the names from which the Federal pannel is to be filled, would much more nearly follow the present statute, requiring conformity to the State method, than the rule adopted. But the method I propose, requiring the sheriffs of the several counties to return the names, is better than either, as it insures both impartiality and a probable selection of more competent men.

Mr. Chairman, I am a friend of this Union and of its Government, and demand that it do its whole duty within its jurisdiction. I would curtail no just power. The States have yielded the power to levy imposts. I would have them so levied as least to oppress and most to encourage the business and labor of the country. They have given the power to make rules and regulations respecting the common territory; I would have them so regulate it as to prevent the monopoly of the soil and the oppression of the settler. They have yielded the power to regulate commerce; I would have them so regulate it as to protect not alone from foreign aggressions, but protect it in its avenues, in its depots, whether by frigate, by lighthouse, by pier, or by snag-boat; and continue to protect it, until its subjects shall be brought within the exclusive jurisdiction of the States. So of all powers; I would have them exercised in good faith and for the common good, notwithstanding Federal recklessness and Federal neglect almost make us repent the grants. *But the powers reserved we must keep.* Most of all must we hold on to our judicial power over citizens and corporations within the States, over State criminal laws, and the power to judge of the reservations of the Constitution, where the liberty and property of the citizen is unconstitutionally endangered by foreign tribunals.

True conservatism supports State sovereignty. The Federation has primarily no citizens; we are all citizens of the States. All our governmental relations at home are with the State. Our ten thousand personal and property relations are under cognizance of the State. Engaged in the peaceful pursuits of industry, we regard Federal action, as applied to persons, almost as that of a foreign Government; and only pray to be let alone. We look to the States alone for protection in person; for protection in property. *The efficiency of that protection depends upon the power of the State.* Destroy that power, and you beat down the shield of every man's rights. Hence the contest for State sovereignty is no idle strife between powers, but a conservation of power in the only sovereignty that can protect.

I am also a friend of the Federal courts, though I regret the mode of their organization. For certain Federal purposes we need them; for those purposes I would purify and preserve them. I show not my friendship for the fallen by encouraging their prostitution; but, surrounding them with restraints and motives, I bid them go and sin no more. The people are becoming roused to the true nature and alarming encroachments of the Federation. They look upon the judiciary as the right arm of those encroachments. They will never yield their liberty; and if these things continue without remedy, *the Federal courts must fall.* I would save them by timely reform.

APPENDIX.

The following clear vindication of the independence of the other departments of the Government is given in General Jackson's veto message of July 10, 1832:

> "If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this Government. The Congress, the Executive, and the court, must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution that may be presented to them for passage or approval, as it is of the Supreme Judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress, than the opinion of Congress has over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities; but to have only such influence as the force of their reasoning may deserve."

In the celebrated case of Hunter *vs.* Martin, (4 Munford, &c.,) the Supreme Court of Virginia, on full argument, by elaborate and clear opinions, unanimously repudiate the authority of the Supreme Court of the United States, under the twenty-fifth section of the judiciary act. I can only give the syllabus:

> "1. The Court of Appeals of Virginia will consider whether a mandate issued by the Supreme Court of the United States, directing this court to enter a judgment reversing one which it heretofore pronounced, be authorized by the Constitution or not; and, being of opinion that such mandate is not so authorized, will disobey it.
>
> "2. It is the opinion of this court that so much of the twenty-fifth section of the act of Congress, passed September 24, 1789, entitled 'An act to establish the judicial courts of the United States,' as extends the appellate jurisdiction of the Supreme Court of the United States to judgments pronounced by a Supreme Court of a State, is not warranted by the Constitution."

The opinions of Mr. Jefferson, after witnessing the insidious encroachments of the Federal court, are well known. I give a few extracts from his correspondence:

Extract from a letter to Judge Roane, dated Poplar Forest, September 6, 1819.

> "In denying the right they usurp of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that 'the judiciary is the last resort in relation *to the other departments* of the Government, but not in relation to the rights of the parties to the compact under which the judiciary is derived.' If this opinion be sound, then, indeed, is our Constitution a complete *felo de se*. For, intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by, and independent of, the nation." * * *
>
> "The Constitution, on this hypothesis, is a mere thing of wax, in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is, that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal. I will explain myself by examples, which, having occurred while I was in office, are better known to me, and the principles which govern them."

Extract from a letter to Mr. Jarvis, dated Monticello, September 28, 1820.

> "You seem, in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, '*boni judicis est ampliare jurisdictionem*,' and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves. If the Legislature fails to pass laws for a census, for paying the judges and other offices of the Government, for establishing a militia, for naturalization, as prescribed by the Constitution, or if they fail to meet in Congress, the judges cannot issue their *mandamus* to them; if the President fails to supply the place of a judge, to appoint other civil or military officers, to issue requisite commissions, the judges cannot force him. They can issue their *mandamus* or *distringas* to no executive or legislative officer, to enforce the fulfilment of their official duties, any more than the President or Legislature may issue orders to the judges or their officers."

Extract from a letter to Thomas Ritchie, dated Monticello, December 25, 1820.

> "The judiciary of the United States is the subtile corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government, to a general and supreme one alone."

Extract from a letter to Archibald Thweat, dated Monticello, January 19, 1821.

> "The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass. Against this I know no one who equally with Judge Roane himself possesses the power and the courage to make resistance; and to him I look, and have long looked, as our strongest bulwark. If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves, and meet the invader foot to foot. This is already half done by Colonel Taylor's book, because a conviction that we are right accomplishes half the difficulty of correcting wrong. This book is the most effectual retraction of our Government to its original principles which has ever yet been sent by Heaven to our aid. Every State in the Union should give a copy to every member they elect, as a standing instruction, and ours should set the example. Accept, with Mrs. Thweat, the assurance of my affectionate and respectful attachment."

Extract from a letter to Mr. C. Hammond, dated Monticello, August 18, 1821.

> "It has long, however, been my opinion, and I have never shrunk from its expression, (although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion,) that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary—an irresponsible body, (for impeachment is scarcely a scare-crow,) working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one."

Extract from a letter to William T. Barry, dated Monticello, July 2, 1822.

> "We already see the power, installed for life, responsible to no authority, (for impeachment is not even a scare-crow,) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid, by their decisions, for the annihilation of constitutional State rights, and the removal of every check, every counterpoise, to the ingulphing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single Government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, a remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special Governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism, in a Republic, of the first order of absurdity and inconsistency."

Extract from a letter to Judge Johnson, dated Monticello, March 4, 1823.

> "I cannot lay down my pen without recurring to one of the subjects of my former letter, for, in truth, there is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court. This is the form in which Federalism now arrays itself, and consolidation is the present principle of distinction between Republicans and pseudo-Republicans, but real Federalists."

Extract from a letter to Edward Livingston, Esq., dated Monticello, March 25, 1825.

> "One single object, if your provision attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government, but what I call our foreign department. They are practicing on the Constitution by inferences, analogies, and sophisms, as they would on an ordinary law."

THIRTY-FIFTH CONGRESS,

Second Session.

Tuesday, February 15, 1859.

SENATE.

We find in the *Intelligencer* a very fair synopsis of the speeches of Messrs. Crittenden and Hale on the Cuba Question, delivered in the Senate on the 15th.

Mr. Crittenden, after alluding to the tenacity with which Spain clung to the island of Cuba, proceeded to mark the indications which served to show that the present was a most unpropitious season for renewing our efforts to obtain the cession. How had the declarations of the President's message in this regard been received, even in oppressed and provincial Cuba? With murmurs of dissent. How had they been received in Spain? With unequivocal and formal expressions of opposition on the part of the Government. How was the proposition regarded by France and England? With a disfavor which was believed to be rather increased than diminished since the day on which they proposed the tripartite treaty against its acquisition by themselves in common with the United States. And if the external relations of the question were thus unpromising, what was the domestic aspect of the case? Let an empty Treasury answer the inquiry. It was estimated that $200,000,000 would be the least sum accepted by Spain for this most valuable dependency. Last year our annual expenditures were $81,000,000. This year they would be nearly $100,000,000, if we met all our outstanding liabilities. Was this the time to assume a debt of $200,000,000?

Our Government, moreover, was already embarrassed with paltry and vexatious reclamations on nearly all the feeble States of this Continent. We had lost the esteem of the Spanish-American States, and were now regarded in the light of natural enemies rather than friends. These reclamations it is proposed to enforce by the summary process of delegating the war-making power into the hands of the Executive.

But, apart from the price of the cession, what were to be the terms on which Cuba was to be "annexed" to the United States? Was she to be admitted at once as a sovereign State? Would it not be best for all parties that we should leave the people of Cuba independent—reserving for ourselves the commercial privileges and general guardianship to which we would be entitled?

The present bill to "facilitate the acquisition" of the island did not seem a suitable means to the end proposed. It placed the people's money in the hands of the President—the hands least adapted to hold it under the theory of our Government. That Cuba would one day belong to the United States was more than probable. He did not deny that its possession was desirable. But he could not admit that it was *necessary* to our safety. He was too proud of his country as it is, to admit anything so humiliating. Nor was he so much in favor of that territoral expansion about which it was common to speak. He preferred to build up at home rather than to be perpetually reaching abroad, and had more confidence in the Anglo-Saxon elements of civilization than in those of any other people. Yet he was willing that the President should undertake negotiations for the purchase of Cuba; and if he succeeded, the difficulties of the task would only enhance the glory of the achievement. Upon the treaty, when formed, he could sit in candid judgment; but, under the circumstances of the case, he did not feel authorized to place $30,000,000 of the public money in the hands of the President, merely to enable him to commence the negotiation.

Mr. Hale, in an earnest speech, opposed the pending bill. He did not doubt that Cuba had long been coveted by a portion of the United States; but when the names of leading statesmen, like Jefferson, John Quincy Adams, Alexander Everett, Edward Everett, and others, were cited in illustration of this fact, it was well to know that their statements were always accompanied with qualifications. Mr. H. here quoted from the State Papers of these authorities, to show that Cuba, while in the hands of Spain, had never been regarded with jealousy.

Mr. H. then proceeded in a most humorous manner to criticise the language and arguments of the report emanating from the Committee on Foreign Relations in regard to the acquisition of Cuba, and replied to the citations by which Mr. Benjamin had sought to show that emancipation in the British West Indies was a failure. He quoted from many authorities on the subject, some of which he believed were later than those upon which Mr. B. had depended. He believed that the pending measure was an electioneering scheme, devised merely for the purpose of retrieving the ebbing fortunes of modern Democracy. He thought the project would fail. The people could not be longer deceived by these political cries. They remembered how the annexation of Texas had been urged at the North as an Anti-Slavery measure. It had in effect been so represented at the time by the Hon. Robert J. Walker, then a Senator from Mississippi. It was surprising that "political attraction" and "geographical necessity" had no efficacy on our Northern borders, but were potent only in a line of progress southwards. He was no enemy to legitimate expansion on just and patriotic principles, but to expansion for the sole purpose of increasing the political power of Slavery he was ineradicably opposed. Who believed that the acquisition of Cuba would be pressed as it now is, if her slaves were emancipated to-morrow? The pending bill was but a disguise, behind which lurks a gigantic scheme of national robbery.

Mr. Benjamin replied to certain of the statements made and positions assumed by Mr. Hale and Mr. Crittenden, when, after a brief rejoinder from the latter, Mr. Thompson, of Kentucky, obtained the floor, and the Senate adjourned.

Wednesday, February 16, 1859.

SENATE.

Consular and Diplomatic Bill.—On motion by Mr. Hunter, (by a vote of yeas 20, nays 18,) the Senate proceeded to consider the bill making appropriations for the consular and diplomatic expenses of Government for the year ending June 30th, 1860.

Some amendments proposed by Mr. Hunter, in behalf of the Committee on Finance, were agreed to.

Mr. Clay moved to strike out the appropriation of $75,000 for the suppression of the slave trade, and insert $45,000. The latter sum was for the maintenance of our fleet on the coast of Africa, and $30,000 for the support and education of the negroes of the slaver Echo, recaptured and sent back to Africa by Government. He desired to strike out the latter branch of the appropriation altogether, believing not only that there was no authority for it in the Constitution, but that, when properly understood, it was not warranted by the dictates of humanity.

Mr. Hunter said the appropriation was to carry out existing laws. It was first to pay the bounty to which the captors of the Echo were entitled, and then to carry out the contract with the Colonization Society by which Government was bound to take care of the negroes for one year. If the law is constitutional which prohibits the African slave trade it must follow that the Constitution gave power to carry it out with humanity.

The amendment was rejected by the following vote:

Yeas—Messrs. Chesnut, Clay, Davis, Fitzpatrick, Hammond, Iverson, Johnson of Arkansas, Mason, Reid, Thompson of Kentucky, Toombs, and Ward—12.

Nays—Messrs. Allen, Bates, Bell, Benjamin, Bigler, Bright, Brodcrick, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Foot, Green Hale, Hamlin, Harlan, Houston, Hunter, Jones, King, Mallory, Pearce, Polk, Pugh, Rice, Seward, Shields, Simmons, Slidell, Smith, Trumbull, Wade, Wilson, and Yulee—40.

The bill was then laid aside by general consent.

The Cuban Bill.—The Senate then took up the bill making appropriations to facilitate the acquisition of the island of Cuba by negotiation.

Mr. Thompson, of Kentucky, addressed the Senate in opposition to the bill. He objected to its very title. It intimated that the President wanted a "facility," which facility was to consist of money. How was it to be applied? The whole scheme was ill-timed and uncalled for. Cuba was not well calculated for cotton lands, but it would drain the adjacent States of the South of the best portion of their citizens. New Orleans was now a great *entrepot*, a place for transhipment, and the tendency of annexation would be to build up Havana at the expense of New Orleans, which would shrivel in proportion. The President knew very well that Spain was not willing to trade for Cuba, and what sort of Christian humanity was it for the President, having found the sore spot of Spanish pride, to take an ignited firebrand and keep constantly "jabbing" at it. Poor Spain had no peace of her life; if she had, perhaps she could be induced to trade. What was the use of buying Cuba, when they would not own either the soil or the negroes? They would get only the sovereignty, which meant the expense of keeping off pirates, and petting generally this youngest child of the family. They could not divert emigration to Cuba by any trick of legislation; if it did not go there by the natural instinct of the Anglo-Saxon race to hunt up the best lands, it would not go at all. It would be no objection with him, that the Cubans were of the Roman Catholic faith; they might be good citizens for all that; he founded his objection on totally different grounds.

He regarded the proposition to annex Canada as monstrous. When the time came that he had to be overborne here by gentlemen from Cuba, from Nova Scotia, and from Davis's Straits, he hoped the Union would break in two, just as the Atlantic cable did, simply because it was too long. Cuba had got to be Americanized, as the Louisiana purchase was, by the influx of young and enterprising American citizens. The Cubans might know very well, from the example of Louisiana, that very soon after annexation they would be rooted out—eaten up as the blue rats are by the Norway rats. Cuba was now said to be panting for liberty; if annexed, the Cubans would be panting for life.

He opposed the Pacific railroad project, which he considered, in connection with this Cuban scheme, only a part of the brag game for the Presidency in 1860. It had been proposed that the Americans should "see" the Administration's one Pacific railroad "and go two better." The true policy of this country was to build up and consolidate our own internal interests—take care of what we have got, rather than seek to get more. He was opposed to fostering and promoting the filibuster spirit of the country, and had a very poor opinion indeed of these strutting, penniless adventurers known as filibusters. He did not believe that either France or England wanted or would seek to obtain possession of Cuba. The ambition of the French Emperor was turned in altogether different directions. If England wanted Cuba, in his opinion she would take it in spite of us, especially if she were backed by France. When we came to fighting England, it would be no little Indian skirmish or Mexican running fight. But the ambition of England and the prosperity of that Empire depended upon events on the other side of the world. If Cuba were given to us to-day, the vast fleets of England might take it away from us, or starve us out. It would prove a point of weakness rather than of strength. He denied that it was in any sense the key of the Gulf of Mexico. No fortifications could be built which would block up the passage into the Gulf on either side, nor strong enough to defend the island against a British fleet. To say nothing about color, he thought he had been to more respectable weddings than it would be when Uncle Sam takes Cuba for better or for worse. We should find a heavy job on our hands. This bill was calculated to create a rupture between us and England and France. This Government should take warning by the respectable old Virginia gentleman who was "broke" by paying taxes on too much land. We had better pay the debts we have already. We were saved in California by the God-send of the gold discoveries, but in buying Cuba there would be no chance for anything of that kind. There was no God-send left there. He regarded the Ostend manifesto as a delusion, intended only to keep the Gulf States in good humor. Cuba had not gravitated an inch this way since that manifesto, and never would if the Cubans understood how the Americans would treat them. The result of annexation would be, that the Cubans would sell out to our Southern planters, and leave the island.

He reviewed the provisions of the bill, pointing out its objectionable features. It proposed to send this thirty millions to the safe keeping of our Minister in Spain, instead of keeping it in the Treasury as the Constitution provided. No matter how fair and accurate the President's accounts might be, there would be gossip and scandal about them. Setting the filibusters upon Cuba would be like training monkeys to pick cotton, which was said to work first-rate, except that it took two overseers to watch each monkey. It looked to him as though the Cuban scheme was put forth in order to win the South to the President, while he was to secure Pennsylvania by means of the iron interest. It was his decided opinion that Buchanan was good for ten years more as the Democratic candidate. The President would hang on to power with a sturdy Scotch grip until it should be wrested from him. As to the coming fight, he expected to have no hand in it. He did not know exactly where he should stand. He could not be a Locofoco any way; he understood that the discipline of that party was extremely rigid; perhaps, if he could get a private conversation with the Senator from Illinois, he might learn something on that point. He utterly condemned this rampant spirit and cry for war. If we get into a war with France and England, growing out of this thing, we shall regret it to the last day of our lives. Old John Bull was a terrible old bruiser, as they would soon learn. The fight would be made up very unequally. It was a safe thing in any ignorant crowd to curse England, but it did not seem to him to be the best policy for statesmen and legislators. His policy was to cultivate the arts of peace, and let the gristle of his country grow into bone. He hoped some safe man would be made the next President. His colleague [Mr. Crittenden] would suit him as well as any man, and he would not plank him in with any platform. These platforms were all humbug. Every platform President was ready to kick over the ladder by which he had ascended into power. Besides, every man who had travelled on a railroad had read, "Don't stand on the platform when the cars are in motion."

Mr. Chandler obtained the floor, when the Senate went into Executive session, and, after some time spent therein, the doors were opened, and the Senate adjourned.

HOUSE.

Territory of Arizona.—Mr. Stephens, of Georgia, from the Committee on Territories, reported a bill to provide a temporary Government for the Territory of Arizona, and to create the office of surveyor general therein, and asked the House to consider it at this time.

Mr. Grow, of Pennsylvania, hoped the gentleman from Georgia would permit him to offer an amendment.

Mr. Stephens replied that he would, and then demand the previous question.

Mr. Grow submitted his amendment, to be added to the end of the bill, providing that as this Territory, when acquired from the Republic of Mexico, had been free from African Slavery, which had not since been established by any legal authority, nothing in this act should be construed as authorizing it hereafter.

Mr. Stephens demanded the previous question; pending which,

Mr. Kilgore, of Indiana, moved that the bill be laid on the table; which motion prevailed, as follows:

Yeas—Messrs. Abbott, Adrain, Andrews, Atkins, Billinghurst, Bingham, Blair, Bliss, Bocock, Branch, Brayton, Buffinton, Burlingame, Burnett, Burroughs, Case, Caskie, Clark of New York, Clawson, Cobb, Clark B. Cochrane of New York, Cockerill, Colfax, Comins, Covode, Cragin, Curry, Curtis, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Edmundson, English, Farnsworth, Fenton, Foster, Garnett, Giddings, Gilmer, Gooch, Goodwin, Granger, Gregg, Grow, Hall of Massachusetts, Harlan, Harris, Haskin, Hickman, Hoard, Horton, Houston, Howard, Jones of Tennessee, Jones, of Pennsylvania, Keim, Kellogg, Kelsey, Kilgore, Knapp, Kunkel, McQueen, Moore, Morgan, Morrill, Morris of Pennsylvania, Morse of Maine, Morse of New York, Mott, Murray, Nichols, Olin, Parker, Pettit, Peyton, Phelps of Missouri, Phillips, Pike, Pottle, Powell, Purviance, Ready, Ricaud, Ritchie, Robbins, Roberts, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Shaw of North Carolina, Sherman of New York, Spinner, Stanton, Stewart of Pennsylvania, Tappan, Taylor of Louisiana, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Washburn of Wisconsin, Washburne of Illinois, Washburn of Maine, Wilson, and Winslow—121.

Nays—Messrs. Ahl, Anderson, Avery, Barksdale, Barr, Bennett, Bishop, Bowie, Boyce, Bryan, Burns, Cavanaugh, Chapman, Clark of Connecticut, Clark of Missouri, Clay, John Cochrane of New York, Corning, Cox, Craig of Missouri, Craige of North Carolina, Davidson, Davis of Mississippi, Dimmick, Dowdell, Faulkner, Florence, Foley, Gartrell, Gilmer, Goode, Greenwood, Grover, Hall of Ohio, Hawkins, Hodges, Hopkins, Jackson, Jenkins, Jewett, Lamar, Landy, Leidy, Maclay, McKibbin, McRae, Marshall of Kentucky, Marshall of Illinois, Mason, Maynard, Miller, Millson, Montgomery, Niblack, Pendleton, Reagan, Reilly, Scott, Searing, Seward, Shaw of Illinois, Shorter, Smith of Illinois, Stephens, Stevenson, Stewart of Maryland, Talbott, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Wood, Woodson, Wortendyke, Wright of Georgia, and Zollicoffer—78.

The Territory of Dacotah.—Mr Stephens, of Georgia, also, from the Committee on Territories, reported the bill to provide for a temporary Government in the Territory of Dacotah, and asked its immediate consideration.

Mr. Morgan, of New York, moved that the bill be laid on the table; which motion prevailed—yeas 137, nays 62.

The Territory of Jefferson.—Mr. Stephens, also, from the Committee on Territories, reported the bill to provide a temporary Government for the Territory of Jefferson, and moved the previous question, with a view of putting it upon its passage.

Mr. Davis, of Indiana, moved that it be laid on the table; which motion was agreed to.

Lands for Colleges.—House bill granting public lands to the several States which may provide colleges for the benefit of agriculture and the mechanic arts, returned from the Senate with sundry amendments, was next taken up.

The previous question being seconded, the amendments of the Senate were severally agreed to. So the bill is passed.

The House next considered the Senate's amendments to the Indian appropriation bill, some of which were concurred in and others negatived; so that the bill again goes to the Senate.

For the National Era.

TO FREE PRESBYTERIANS.

As the Free Presbyterian organization is at present without an *organ*, will the Editor of the *Era* grant me the privilege of a brief space in his paper? I make the request, because there is no other *one* paper now of general circulation in our body.

I have been frequently applied to, within the last few years, to know whether I would join in a colony, to be settled somewhere westward. Hitherto my engagements have been such that I could not well do so. Feeling at present free to join such a colony, I propose to form one of *Free Presbyterians*, to be settled wherever the colony, when formed, shall determine.

The reasons which have determined me to this course are these: First. There are several Free Presbyterian families already in Kansas, Nebraska, and Iowa, who are anxious to join such a colony, and are now waiting such a movement. With some of these I have correspondence. Second. There are quite a number of fragmentary churches, belonging to our body, which have separated from the communion of Pro-Slavery bodies, but are too weak to support a minister, and oftentime so remote from a settled minister as to be seldom visited by a *supply*. Many of these little churches are placed under circumstances where there seems to be no prospect of their increase in numbers, to any considerable extent; and hence they must be deprived of preaching, (of their own order,) or support a minister by a constant and heavy drain upon the Missionary Society, which it is not well able to bear. Could all these fragments be collected together in some Western location, they would form a colony strong enough to be self-sustaining in all respects. The advantages would be:

(1.) The relief of the Missionary Society from a heavy yearly tax upon its treasury.

(2.) The formation of a self-sustaining church, and a consequent feeling of independence, which they never can feel while so largely dependent upon the charities of the public.

(3.) They would be able to sustain a first-class school in their own community.

(4.) They would thus combine all the advantages of society in the older States with the advantages of cheapness of soil and superior fertility in the West.

Third. Not the least of the reasons that have induced me to make this proposition is, that such a colony would exercise a most beneficial influence in moulding the institutions of some rising State or Territory, so as to make them true to the principles of freedom and righteousness.

It is not my wish to weaken any of our churches now enjoying the regular and stated preaching of the Gospel; and therefore my proposition is not made to the members of such churches, but *exclusively* to those above specified.

Those who wish to join such a colony can write to me soon. If your letter requires an answer, you must enclose a stamp to pay the postage. I shall want the following particulars:

1. Are you married, or single?
2. If you have a family, how many members?
3. Are you a Free Presbyterian in good and regular standing, and conscientiously adhering to all the distinctive* principles of our church? If so, how many members of your family are so?
4. What occupation do you expect to follow?
5. How soon could you join a colony, and move westward?

I make my suggestion to Free Presbyterians *only*, not from a sectarian narrowness, but because, in such a colony, it is desirable to have all as nearly of one mind as possible.

Address, W. G. KEPHART,
Pine Grove, Gallia county, Ohio.

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*By *distinctive* principles, I mean our position in regard to Slavery, Temperance, and Secret Orders.

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